

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Susan Norman - Vol. 1

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 HOUSTON DIVISION
4 LEWIS, BRISBOIS, BISGAARD)
5 & SMITH, LLP,)
6)
7 PLAINTIFF,) CIVIL ACTION NO:
8) 4:22-CV-3279
9 VS.)
10)
11 MICHAEL JOSEPH BITGOOD)
12 a/k/a "MICHAEL EASTON," ET)
13 AL,)
14)
15 DEFENDANTS.)
16
17 ORAL AND VIDEOTAPED DEPOSITION OF
18 SUSAN C. NORMAN
19 July 26, 2023
20 VOLUME 1 OF 2
21
22
23 ORAL DEPOSITION OF SUSAN C. NORMAN, produced as a
24 witness at the instance of the PLAINTIFF, and duly
25 sworn, was taken in the above-styled and numbered cause
on July 26, 2023 from 10:47 a.m. to 3:00 p.m., before
Allison Garrett, CSR in and for the State of Texas,
reported by machine shorthand, at Lewis, Brisbois,
Bisgaard & Smith, 24 Greenway Plaza, Suite 1400,
Houston, Texas 77046, pursuant to the Federal Rules of
Civil Procedure and the provisions stated on the record
or attached hereto.

Infinity Reporting Group, LLC
Phone: 832-930-4484 Fax: 832-930-4485

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE**Videotaped Deposition of Susan Norman - Vol. 1**

1	2	4
2	1	EXHIBITS CONTINUED
3	2	NO. DESCRIPTION PAGE
4	3	Exhibit 42 Plaintiff's "Soft" Objections.....75
5	4	Exhibit 43 Registration of LLP.....16
6	5	Exhibit 45 Plaintiff's Third Amended Petition.....79
7	6	Exhibit 48 E-mail from East Pro Law.....84
8	7	Exhibit 49 Letter from Susan C. Norman.....89
9	8	Exhibit 57 Letter from Bennett Fisher.....87
10	9	
11	10	
12	11	
13	12	
14	13	
15	14	
16	15	
17	16	
18	17	
19	18	
20	19	
21	20	
22	21	
23	22	
24	23	
25	24	
1	25	
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
1	3	5
2	1	(July 26, 2023, 10:47 a.m.)
3	2	
4	3	THE VIDEOGRAPHER: Today is Wednesday
5	4	July 26th, 2023. We're on the record at 10:48 a.m.
6	5	THE COURT REPORTER: Can I have all counsel
7	6	please state your appearance and who you represent.
8	7	MR. FISHER: My name is Bennett Fisher. I
9	8	represent the law firm of Lewis, Brisbois, Bisgaard &
10	9	Smith. With me today is Anh Nguyen, one of our
11	10	associates, as well as Elizabeth Heart who is our summer
12	11	associate.
13	12	THE WITNESS: My name is Susan Norman. I
14	13	am a defendant and I'm here pro se.
15	14	MR. BITGOOD: My name is Michael Joseph
16	15	Bitgood. I'm the lead defendant in this case, Lewis,
17	16	Brisbois, Bisgaard & Smith versus Bitgood here pro se.
18	17	MR. DUNWOODY: This is Wallace Dunwoody
19	18	here for Brad Beers.
20	19	THE COURT REPORTER: I'm sorry. Here for
21	20	who?
22	21	MR. DUNWOODY: Brad Beers, B-R-A-D
23	22	B-E-E-R-S.
24	23	SUSAN NORMAN,
25	24	having been first duly sworn, testified as follows:
	25	EXAMINATION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Susan Norman - Vol. 1

<p>1 BY MR. FISHER:</p> <p>2 Q. Please state your full name for the record.</p> <p>3 A. Susan Cecilia Norman.</p> <p>4 Q. And your home address?</p> <p>5 A. 5826 Green Falls, Houston, Texas 77088.</p> <p>6 Q. And your office address?</p> <p>7 A. 10900 Northwest Freeway, Houston, Texas 77092.</p> <p>8 Q. And your Texas driver's license number?</p> <p>9 A. I decline to provide that. I will give you the</p> <p>10 last four, which are publicly available: 9259.</p> <p>11 Q. How are you employed?</p> <p>12 A. I am self-employed as a lawyer.</p> <p>13 Q. And how long have you been an attorney?</p> <p>14 A. Since 1990.</p> <p>15 Q. I'm going to ask you to take a look at a</p> <p>16 document that we've marked as Exhibit 38.</p> <p>17 MR. BITGOOD: Excuse me a second. Are</p> <p>18 there exhibits that were not given to us before this</p> <p>19 deposition, Mr. Fisher?</p> <p>20 MR. FISHER: There are exhibits that I'm</p> <p>21 going to use in this deposition. The court reporter –</p> <p>22 MR. BITGOOD: You didn't think to send it</p> <p>23 to us the day before, sir, so we can see them? How are</p> <p>24 we supposed to see them by Zoom?</p> <p>25 MR. BITGOOD: The court reporter will make</p>	<p>6 1 at the same –</p> <p>2 MR. BITGOOD: Can the court reporter e-mail</p> <p>3 us the 38 or whatever number of exhibits so I can put</p> <p>4 them on this screen and look at them as the witness is</p> <p>5 being questioned because I might have an objection to an</p> <p>6 exhibit and I can't see it.</p> <p>7 MR. FISHER: It's a deposition.</p> <p>8 MR. BITGOOD: You were supposed to e-mail</p> <p>9 it to everybody last night.</p> <p>10 MR. FISHER: I don't have to do that. Can</p> <p>11 you send them to him?</p> <p>12 MR. BITGOOD: If your position is you don't</p> <p>13 have to do that, then I'm going to object to this</p> <p>14 witness testifying from an exhibit that neither myself,</p> <p>15 Mr. Beers, or Mr. Dunwoody can see and allege a proper</p> <p>16 objection. So I don't have to instruct this witness.</p> <p>17 She knows better. Send us the exhibits.</p> <p>18 THE WITNESS: I'm going to give you</p> <p>19 Mr. Bitgood's email address. It is east –</p> <p>20 E-A-S-T-P-R-O-L-A-W at M-S-N dot com. Mr. Dunwoody, I</p> <p>21 don't know what your e-mail address is. I apologize.</p> <p>22 MR. DUNWOODY: It is W-D-U-N-H-W-O-O-D-Y at</p> <p>23 Munck Wilson, and it's spelled M-U-N-C-K-W-I-L-S-O-N dot</p> <p>24 com.</p> <p>25 MR. BITGOOD: I think now we can safely go</p>
<p>7 1 them available to you.</p> <p>2 MR. BITGOOD: But you didn't send them to</p> <p>3 us so we could review them before the deposition.</p> <p>4 MR. FISHER: I didn't know what I was going</p> <p>5 to use until I started talking.</p> <p>6 MR. BITGOOD: Okay. Well, apparently, you</p> <p>7 have a bunch of exhibits that you did not give</p> <p>8 Mr. Dunwoody or myself so that we can review them as</p> <p>9 you're asking the witness questions. So how can we see</p> <p>10 them on Zoom to make a proper objection if we can't see</p> <p>11 the exhibits?</p> <p>12 MR. FISHER: Are you going to post them on</p> <p>13 Zoom?</p> <p>14 THE COURT REPORTER: I – can we go off the</p> <p>15 record?</p> <p>16 MR. FISHER: Sure.</p> <p>17 THE VIDEOGRAPHER: Off the record at –</p> <p>18 THE WITNESS: No, I object to going off the</p> <p>19 record.</p> <p>20 MR. BITGOOD: I cannot hear Ms. Norman now.</p> <p>21 THE WITNESS: I object to going off the</p> <p>22 record for this.</p> <p>23 MR. FISHER: All right. Let's stay on the</p> <p>24 record.</p> <p>25 THE COURT REPORTER: I can't talk and write</p>	<p>8 1 off the record until those exhibits arrive, please.</p> <p>2 THE WITNESS: That's fine with me.</p> <p>3 THE VIDEOGRAPHER: Off the record at</p> <p>4 10:53 a.m.</p> <p>5 (Break taken from 10:52 a.m. to 11:11 a.m.)</p> <p>6 THE VIDEOGRAPHER: Back on the record at</p> <p>7 11:12 a.m.</p> <p>8 (Exhibit 38 marked.)</p> <p>9 Q. (BY MR. FISHER) Ms. Norman, I'm going to hand</p> <p>10 you what we've previously marked as Exhibit 38 and ask</p> <p>11 you if you've seen that document before or if you can</p> <p>12 identify that document.</p> <p>13 A. I will look at it, but first I want to make</p> <p>14 sure that you know that I intend to read and sign, so I</p> <p>15 will require that this be sent to me.</p> <p>16 I have seen this document before. It is</p> <p>17 Document 10-31 filed on October the 6th, 2022. And this</p> <p>18 is case 4:22-CV-03279, and I'll refer to that in the</p> <p>19 future as this case. I have seen this before.</p> <p>20 Q. Okay. You'll agree with me that this is an</p> <p>21 application for a registration of a foreign limited</p> <p>22 liability partnership?</p> <p>23 MR. BITGOOD: Objection to the form. The</p> <p>24 document speaks for itself. Go ahead and answer,</p> <p>25 Ms. Norman.</p>

Infinity Reporting Group, LLC
Phone: 832-930-4484 Fax: 832-930-4485

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Susan Norman - Vol. 1

<p>1 A. The document does say that it's an application 2 for registration of a foreign limited liability 3 partnership. 4 MR. FISHER: I'm sorry. I have to go back. 5 Mr. Easton, were you just instructing the witness that 6 it's okay for her to answer the question? 7 MR. BITGOOD: Objection, nonresponsive. 8 Mr. Fisher, go ahead and take your deposition, please. 9 When it's your turn to depose me, then you can have that 10 fun. Move along, please. 11 MR. FISHER: I was just curious as to why 12 you were instructing the witness – 13 MR. BITGOOD: Well, you shouldn't be 14 curious. Okay? Don't be curious. This is not the time 15 to be a daisy. Move along. 16 Q. (BY MR. FISHER) And you would agree with me 17 that this document was filed on March 28th, 2022? 18 A. No, I don't. 19 Q. You don't. Why not? 20 A. Well, because the Secretary of State did not 21 identify this document as being in its possession until 22 June the 9th of 2022. 23 Q. Okay. So you don't think that the stamp that's 24 at the upper right corner where it says "Filed in the 25 Office of the Secretary of the State of Texas" was</p>	<p>10 1 A. L-E-W-I-S, B-R-I-S-B-O-I-S, B-I-S-G-A-A-R-D, 2 ampersand, S-M-I-T-H, LLP. 3 Q. Thank you. I'm going to ask you now to take a 4 look at Exhibit 39. 5 (Exhibit 39 marked.) 6 A. Under the rule of optional completeness, I have 7 an objection to this document standing alone as 8 Exhibit 38. It is part of Document 10 and it is 9 apparently the 31st attachment to Document 10. So under 10 the rule of optional completeness, I am including as a 11 fully set forth verbatim in herein Document 10, which is 12 hearing exhibits, which are apparently to the hearing 13 that was set for October the 6th, 2022 in this case. 14 Q. All right. Your objection is noted, but this 15 document also says that it's Page 1 of 2. And if you'll 16 note, this is a two-page document that I've handed you, 17 correct? 18 A. It is a document which has a front and back 19 under – on the same document, and the back of it says 20 Page 22 – 2 of 2. 21 Q. Okay. So it's a two-page document and I've 22 handed you both pages and both pages are included in 23 this exhibit, correct? 24 A. Yes. 25 Q. Okay. Now, I'm going to hand you what we've</p>
<p>11 1 actually an indication that the document was filed on 2 that date? 3 A. No, sir, because the Secretary of State 4 indicated that this is a – this is a paper filing. 5 This is not a – an online filing. And the Secretary of 6 State indicated that they were backed up on mail, so 7 they put in the date that it was – the page – the 8 envelope was received, but the document itself was not 9 available online until June the 9th, 2022. 10 Q. Okay. 11 MR. FISHER: I'm going to object as 12 nonresponsive. 13 Q. (BY MR. FISHER) The document is file stamped 14 March 28th, 2022, correct? 15 A. It is backdated to March the 28th, 2022. 16 Q. Do you know who backdated the document if the 17 document was, in fact, backdated? 18 A. It was the person – whoever is opening mail at 19 the Secretary of State's office. 20 Q. Okay. On Line Number 1, there is a name of an 21 entity typed in. Can you please read that – the name 22 of that entity? 23 A. Lewis, Brisbois, Bisgaard & Smith, LLP. 24 Q. And can you spell each of the words on that 25 name?</p>	<p>13 1 marked as Exhibit 39 and ask you to identify that for 2 the record. 3 A. This is Document 10-32 in this case. It is a 4 one-page document. And it is a certificate of filing of 5 this four-name law firm, the foreign entity, File Number 6 804594502 issued by the Texas Secretary of State 7 effective March 28th, 2022, dated March 28th, 2022. 8 Q. And this is the – the name of the entity is 9 the same as you read from Exhibit 38, correct? 10 A. Yes, it is. 11 Q. Okay. And the spelling is the same? 12 A. Yes, it is. 13 Q. I'm going to hand you what we have previously 14 marked as Exhibit 40. 15 (Exhibit 40 marked.) 16 Q. (BY MR. FISHER) I'm going to ask you to 17 identify this document for the record. 18 MR. BITGOOD: Your 40 is not showing up. 19 Hold on, please. 20 A. And again, under exhibit – 21 Q. (BY MR. FISHER) Let's wait for Mr. Easton to 22 acknowledge that he has it in front of him. Mr. Easton, 23 have you found it? 24 MR. BITGOOD: Not yet, sir. I have it, but 25 it won't open, so let me start again. 40, correct?</p>

Infinity Reporting Group, LLC
Phone: 832-930-4484 Fax: 832-930-4485

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Phone: 832-930-4484 Fax: 832-930-4485

Infinity Reporting Group, LLC

1	MIR FISHER: Yes.	1	A. This document - to identify this document, I'm	17
2	MIR BTGOOD: Thank you, sir. Okay.	2	identifying it as Document Number 6 filed with Document	
3	Formation, assumed name certificate. I've got it.	3	Number 1, which was filed on September the 23rd, 2022 by	
4	Thank you, Mr. Fisher. I appreciate your patience.	4	the plaintiff in this matter. And in the rule - under	
5	Q. (BY MIR FISHER) Ms. Norman?	5	the rule of optional completeness, this is Norman	
6	A. Yes. Under the rule of optional completeness,	6	Exhibit Number 1. This is the entire petition with all	
7	Exhibit 39 goes with Document 10 as previously stated.	7	the exhibits filed in this case by the plaintiff.	
8	This document, Exhibit 40, in this case is	8	So I am identifying this document as	
9	Document 10-35. It's Page 1 of 2. The front says	9	registration of a limited liability partnership, filing	
10	"Assumed Name Certificate For Filing With the Secretary	10	Number 804564868 filed September the - excuse me, May	
11	of State." The assumed name is Lewis, Briscoe,	11	the 26th, 2022 by Michael Bitgood. It's a one-page	
12	Bisgaard & Smith filed on March - excuse me, May 31st,	12	document and it appears in the plaintiff's original	
13	2022.	13	petition filing.	
14	Q. I'm going to ask you to look at the top hand	14	Q. Okay. This is also a public record, is it not?	
15	next to the Office of the Secretary of State corporation	15	A. Yes, it is.	
16	section and take a look at the date just for accuracy,	16	Q. Okay. And your partner, Michael Bitgood, filed	
17	the date of the filing. It says "Filed in the Office of	17	this or did you file it?"	
18	the Secretary of State?"	18	MIR BTGOOD: Object.	
19	A. Yes, it does, June 1st, 2022.	19	A. I did not - I can tell you that I personally	
20	Q. Okay. So you'll agree with me that the	20	did not file this.	
21	Secretary of State received or recognized the date of	21	Q. (BY MIR FISHER) Okay. When did you first know	
22	filing of this document as June 1, 2022?	22	that this was filed?	
23	A. That's what this document says.	23	A. Probably May the 26th, 2022.	
24	MIR BTGOOD: Ms. Norman, give me a chance	24	Q. Okay. Now, take a look at Number 2, Section 2	
25	to object. I object to the form. The document speaks	25	on this document, on this form.	

Videotaped Deposition of Susan Norman - Vol. 1

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Phone: 832-930-4484 Fax: 832-930-4485

Infinity Reporting Group, LLC

1	A. Yes.	18	1	A. Why is there? I don't know.	20
2	Q. Tell me what kind of a partnership was filed based on this representation?		2	Q. So after 30 years of the practice of law	
3	A. It says general partnership.		3	including the formation of business entities, you can't	
4	Q. Okay. Now, that different than a limited liability partnership, is it not?		4	tell me the difference between a limited liability	
5	A. I assume so.		5	partnership and a general partnership?	
6	Q. You've been practicing law for 30 years?		6	A. I told you, many years ago I may have formed a	
7	A. Yes, I have.		7	business entity. I don't practice forming general	
8	Q. And for the purposes of optional completeness, I am		8	partnerships or limited liability. I do not form them.	
9	A. Yes, I have.		9	And for the purposes of optional completeness, I am	
10	Q. What type of law do you practice?		10	introducing Norman Exhibit Number 1, which is the entire	
11	A. Generally, litigation.		11	document.	
12	Q. Have you ever formed any business entities?		12	Q. Ms. Norman, when I'm done with my examination,	
13	A. I don't believe I've ever formed - I don't		13	you can examine yourself and introduce whatever you	
14	believe I've ever personally formed a general		14	want	
15	partnership.		15	A. Okay.	
16	Q. But you have formed business entities before as		16	Q. Now, I want to go back to Exhibit 40, which I	
17	part of your practice, have you not?		17	believe is in front of you. Do you have that in front	
18	A. I believe so, many years ago.		18	of you?	
19	Q. So you do know that there's a difference		19	A. Yes, I do.	
20	between a general partnership and a limited liability		20	Q. Okay. On the bottom left corner of that	
21	partnership, don't you?		21	document, who does it say filed this assumed name	
22	A. Yes, there is.		22	certificate?	
23	Q. Okay. So this document is the registration		23	A. It says Brad Beers.	
24	form for a limited liability partnership, but it's		24	Q. Who asked Mr. Beers to file this on behalf of	
25	formed as a general partnership, is that right?		25	the infringing entity known as Lewis, Brisbois, Bisgaard	
1	A. Taking both exhibits into conjunction with each	19	1	& Smith, LLP located in Fort Bend County, Texas?	21
2	other, that appears to be true.		2	A. I object -	
3	Q. Okay. So what was the entity that you and		3	MIR, BITGOOD: Objection to the form of the	
4	Mr. Bitgood were partners in? Was it a limited		4	question, assumes a fact not in evidence. And objection	
5	liability partnership or was it a general partnership?		5	to the infringing entity characterization.	
6	A. It was a limited liability partnership.		6	A. And I also object to the mischaracterization of	
7	Q. Then why does this form state that the		7	infringing entity.	
8	partnership was a general partnership?		8	Q. (BY MR. FISHER) Can you answer the question?	
9	A. I don't know.		9	A. I can tell you that I did not ask Brad Beers to	
10	MIR, BITGOOD: Object.		10	form this entity.	
11	Q. (BY MR. FISHER) You don't know?		11	Q. Okay. Do you know whether Mr. Bitgood asked	
12	A. I don't know.		12	Brad Beers to form - or file this document?	
13	Q. Okay. Did you ask the question when you saw		13	A. That's something that you'll have to ask	
14	this form?		14	Mr. Bitgood.	
15	A. No, I did not.		15	Q. Or Mr. Beers?	
16	Q. What features does the entity that was filed by		16	A. Or Mr. Beers.	
17	Mr. Bitgood have that would give rise to it being a		17	Q. Okay. When did you first know that that this	
18	limited liability partnership as opposed to a general		18	document was filed?	
19	partnership?		19	A. I don't recall. It could have been June 1st.	
20	A. The features are that this is for mediation and		20	it could have been May 25th, or any date in between.	
21	related services to mediation.		21	Q. What year?	
22	Q. No, that's not the feature. Why		22	A. 2022.	
23	would this be a limited liability partnership? Why is		23	Q. Okay. All right. So when you learned that	
24	there a difference between a limited liability		24	this document was filed and Document 43 was filed, did	
25	partnership and a general partnership in Texas law?		25	you ask why there was a distinction or a difference	

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Phone: 832-930-4484 Fax: 832-930-4485

Infinity Reporting Group, LLC

<p>1 Q. Under Texas law, what's the sanction for failing a registration or authority to do business in Texas under Texas law?</p> <p>2 A. Well, I know - okay, I think that's actually the wrong question. The right question is: What is the sanction for doing business in Texas under a name that you are not authorized by the Texas Secretary of State to use and it's a criminal offense?</p> <p>3 Q. Okay. So why didn't you report it as a crime instead of taking the name?</p> <p>4 MR. BITGOOD: Objection, assumes a fact not in evidence. How would you know she didn't report it?</p> <p>5 MR. FISHER: Please limit your objections to form under the rules.</p> <p>6 MR. BITGOOD: Form.</p> <p>7 A. I didn't - it didn't - it didn't occur to me to report it as a crime.</p> <p>8 Q. (BY MR. FISHER) You just said it was a crime. It is a crime.</p> <p>9 Q. So why didn't you report it? You're a lawyer. A. I didn't.</p> <p>10 Q. Okay. Now, of all the names you could have picked, why did you pick Lewis, Bristobles, Bisgaard & Smith for your new business venture?</p> <p>11 A. It was - I can't give you that answer.</p>	<p>1 not an answer that I'm prepared to discuss or give.</p> <p>2 Q. (BY MR. FISHER) All right. And also my understanding is you also don't know the difference between a limited liability partnership and a general partnership under Texas law?</p> <p>3 A. My answer, Mr. Fisher, is that I have not researched the difference because it has not come up in my practice, if ever, to compare and contrast the two.</p> <p>4 Q. Why did you form this business with Mr. Bitgood?</p> <p>5 A. We found that the unauthorized entity, the California LLP, was assisting its client in defrauding the CARES Act and committing crimes against the citizens of Fort Bend County.</p> <p>6 And we took action to be available to mediate matters related to the business entity purportedly represented by Lewis, Bristobles, Bisgaard & Smith at a time when they had no right to do business in Texas for filing fraudulent lawsuits for evictions against minorities in Fort Bend County and putting people out on the street who had no ability or the financial wherewithal to fight illegal evictions.</p> <p>7 Q. Is that your answer?</p> <p>8 A. That is my answer.</p> <p>9 Q. Okay.</p>
<p>1 MR. FISHER: Objection, nonresponsive.</p> <p>2 Q. (BY MR. FISHER) Can you - so you're saying - I'm trying to understand why you formed - why you went into business with Mr. Bitgood, and I didn't really understand that answer.</p> <p>3 A. That is my answer.</p> <p>4 Q. Okay. Why did you use the name Lewis, Bristobles, Bisgaard & Smith?</p> <p>5 A. Because when I found out on March the 11th or 12th of 2022 that the foreign LLP was not authorized to do business in Texas and yet was appearing in Texas courts purportedly representing the defendant, particularly the purported business defendant, the name was - appeared available.</p> <p>6 Q. Okay. So why not use Fulbright and Jaworski? Nobody's using that.</p> <p>7 A. I didn't look up Fulbright and Jaworski.</p> <p>8 Q. Okay. Why did you look up Lewis, Bristobles, Bisgaard & Smith?</p> <p>9 A. Because it has - interestingly enough, I have found multiple entities which have lost their right to do business in Texas as your firm did multiple times in Texas and as your firm has done throughout the United States in multiple jurisdictions where it operates when its right to do business has been lost.</p>	<p>1 between the partnership's name as general partnership versus a limited liability partnership?</p> <p>2 A. No, I did not.</p> <p>3 Q. And as we sit here today, do you still maintain that this entity was a limited liability partnership?</p> <p>4 A. I maintain that it was formed presumably as what was stated in the formation document.</p> <p>5 Q. Which is a general partnership. And I'm looking at Exhibit 43, Line 2.</p> <p>6 A. I'm looking at -</p> <p>7 MR. DUNNWOODY: Objection, argumentative, assumes facts that are not in evidence or disputed. Go ahead.</p> <p>8 A. This document is entitled registration of a limited liability partnership. That's the characterization and the manner in which it is carried on the public records of the Texas Secretary of State.</p> <p>9 Q. (BY MR. FISHER) But Line 2 says it's a general partnership, so I'm asking you again what type of entity was this?</p> <p>10 MR. BITGOOD: Objection, asked and answered.</p> <p>11 A. I am maintaining that it's an LLP, limited liability partnership. And I do not know sitting here if the difference in Line 2 obviates the LLP, so that's</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Phone: 832-930-4484 Fax: 832-930-4485

Infinity Reporting Group, LLC

26	<p>1 Q. Why not?</p> <p>2 A. Because there were a lot of considerations that</p> <p>3 went into this name, partly which included the fact that</p> <p>4 you're taking action against – representing people who</p> <p>5 were taking action against minorities, representing</p> <p>6 people who are taking action against minorities</p> <p>7 illegally, and it seemed that why not?</p> <p>8 Q. When's the first time you heard the name of the</p> <p>9 law firm Lewis, Bischoff, Bischoff & Smith?</p> <p>10 A. I believe it was when your managing partner who</p> <p>11 allowed the name to be expired and not authorized to do</p> <p>12 business in Texas filed an answer on behalf of the</p> <p>13 defendant entity and several individuals in the state</p> <p>14 court case in Fort Bend County, which – the loss of</p> <p>15 which for your firm generated this September 23rd filing</p> <p>16 ten days after they lost in court.</p> <p>17 Q. Well, let me – give me a date. I want to know</p> <p>18 the first date. If you're just referencing whenever</p> <p>19 that answer was filed in county court in Fort Bend</p> <p>20 County, was it January of 2022? Was it February?</p> <p>21 A. It was March the 11th – I believe it was March</p> <p>22 the 11th, 2022.</p> <p>23 Q. Okay. So March 11th, 2022, was when you first</p> <p>24 heard the name Lewis, Bischoff, Bischoff & Smith?</p> <p>25 A. There may have been an e-mail from David Outbre,</p>	27	<p>1 the managing partner before that, but I don't – I'd</p> <p>2 have to look at – I'd have – I don't know.</p> <p>3 Q. Okay. So as an officer of the court and under</p> <p>4 oath today, you never heard the name Lewis, Bischoff,</p> <p>5 Bischoff & Smith prior to March – early March of 2022,</p> <p>6 is that your testimony?</p> <p>7 A. To the best of my recollection, I had not heard</p> <p>8 that name before.</p> <p>9 Q. Okay. What's your relationship with Michael</p> <p>10 Bischoff?</p> <p>11 A. He and I have been litigating together for</p> <p>12 about 19 years.</p> <p>13 Q. What do you mean litigating together? Is he an</p> <p>14 attorney?</p> <p>15 A. No, he's not</p> <p>16 Q. Okay. So how do you litigate together?</p> <p>17 A. We have been in multiple cases where he is a</p> <p>18 party and I represent other parties.</p> <p>19 Q. Okay. How did you meet Mr. Bischoff?</p> <p>20 A. I was referred to a wonderful, now-deceased</p> <p>21 lawyer named Peter Riggs, and Mr. Bischoff worked with</p> <p>22 him.</p> <p>23 Q. How did Mr. Bischoff work with Michael – Peter</p> <p>24 Riggs?</p> <p>25 A. That's something that I'm not qualified to</p>
28	<p>1 answer. All I know is that he worked with him.</p> <p>2 Q. You don't know –</p> <p>3 A. That's something you'll have to ask</p> <p>4 Mr. Bischoff.</p> <p>5 Q. Okay. What's your business history besides</p> <p>6 sharing cases with him?</p> <p>7 MR. BITTGOOD: Objection to the form of,</p> <p>8 quote, sharing cases.</p> <p>9 A. Yeah, I objected to that</p> <p>10 Q. (BY MR. FISHER) Well, you said you litigated</p> <p>11 together. So aside from litigating together, what is</p> <p>12 your business history with Michael Bischoff?</p> <p>13 A. Well, you're going to have to define business</p> <p>14 history.</p> <p>15 Q. All right. Have you been in a business</p> <p>16 relationship with Mr. Bischoff before you formed your</p> <p>17 company, your partnership known as Lewis, Bischoff,</p> <p>18 Bischoff & Smith?</p> <p>19 A. You still haven't defined business</p> <p>20 relationship. What do you mean by business</p> <p>21 relationship? We have not formed another – we have not</p> <p>22 formed another entity.</p> <p>23 Q. Okay. Did he refer cases to you?</p> <p>24 A. No.</p> <p>25 Q. Has he introduced you to any clients?</p>	29	<p>1 A. Well, he doesn't have clients, so –</p> <p>2 Q. No, has he introduced you to any people who</p> <p>3 became clients of yours?</p> <p>4 A. The manner in which I begin representing</p> <p>5 clients is attorney/client privilege between me and a</p> <p>6 particular client.</p> <p>7 Q. Well, not if it was between you and</p> <p>8 Mr. Bischoff, though, was it? Because that would not be</p> <p>9 privileged.</p> <p>10 MR. BITTGOOD: Objection to the form of the</p> <p>11 question, if I'm acting as a paralegal, anything she</p> <p>12 tells me would be privileged.</p> <p>13 MR. FISHER: Okay. Once again, Mr. Easton</p> <p>14 or Mr. Bischoff, your objections should be limited to</p> <p>15 form only, not coaching the witness and not testifying.</p> <p>16 This is not your deposition.</p> <p>17 MR. BITTGOOD: No problem.</p> <p>18 MR. FISHER: And the last time I checked</p> <p>19 the state bar records, you were not a member, so – and</p> <p>20 you said that you're not representing Mrs. Norman today,</p> <p>21 so you can object on your own account, but only as to</p> <p>22 form.</p> <p>23 Q. (BY MR. FISHER) Has Mr. Bischoff introduced you</p> <p>24 to any people or entities that have become clients of</p> <p>25 yours?</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Phone: 832-930-4484 Fax: 832-930-4485

Infinity Reporting Group, LLC

32	1 Q. So you're not going to tell me whether you paid him with cash or a check?	1 Q. And how have you compensated Mr. Bilgood?	31
	2 A. I'm not telling you, no, sir. You can ask Judge Ellison to compel me.	2 A. Generally, I say thank you.	
	3 Q. Do you pay him by the hour or do you pay him -	3 Q. So you've never paid him?	
	4 Judge Ellison to compel me.	4 A. Well, yes, I have paid him.	
	5 Q. Do you pay him by the hour or do you pay him -	5 Q. Okay. How do you compensate him?	
	6 MR. BITGOOD: Okay, Mr. Fisher, it's	6 MR. BITGOOD: Object to the form of the	
	7 11:50. Can we break, please, then come back after	7 question.	
	8 lunch?	8 A. I'm going to object on the basis of	
	9 MR. FISHER: After my - no, we're not	9 attorney/client privilege between me and my client as to	
	10 going to take lunch right now. I want to know the	10 what I do on their behalf and who I use to represent my	
	11 answers.	11 clients.	
	12 MR. BITGOOD: No, no, no, hang on,	12 Q. (BY MR. FISHER) Well, I just asked how you	
	13 Mr. Fisher. As you know, I'm under a doctor's care.	13 compensate Mr. Bilgood. He already represented today	
	14 I've got to eat when I'm told to. I've got to go to the	14 that he's a paralegal for you. You've acknowledged that	
	15 bathroom when I'm told to. So in about ten minutes, I'm	15 on occasions, many occasions, he's been your paralegal.	
	16 going to invoke that privilege given to me by Judge	16 And it sounds like you've thanked him on a number of	
	17 Ellison.	17 occasions, but on other occasions you've paid him. I	
	18 MR. FISHER: Who told you to go to the	18 just want to know how you pay him.	
	19 bathroom?	19 A. Well, as to the - its relevance in this case,	
	20 MR. BITGOOD: Do we want to do it	20 I'm objecting to the relevance. It's not - what I have	
	21 voluntarily or do we want to fight on something as	21 done -	
	22 remedied as that?	22 Q. Relevancy objections are not appropriate in	
	23 MR. FISHER: I want to know who told you to	23 this deposition. So if you refuse to answer, then I'm	
	24 go to the bathroom because I didn't hear anything. If	24 going to ask Judge Ellison to compel your answer.	
	25 you need to go to the bathroom, you can ask to take a	25 A. Then you're welcome to do that.	
33	1 break to go to the bathroom.		
	2 MR. BITGOOD: I just asked you for that.		
	3 You said no.		
	4 MR. FISHER: No, you said you wanted to		
	5 break for lunch.		
	6 MR. BITGOOD: I do want to break for lunch		
	7 at 12 noon. Is that okay with you?		
	8 MR. FISHER: No. I've got questions I want		
	9 to ask before we break for lunch.		
	10 MR. BITGOOD: Okay.		
	11 MR. FISHER: But if you need to go to the		
	12 bathroom, we'll take - you can go to the bathroom.		
	13 Ms. Norman can continue to answer my questions.		
	14 THE WITNESS: I will not be answering		
	15 questions without all parties present on the Zoom.		
	16 MR. BITGOOD: Mr. Fisher, may I take a		
	17 15-minute break to go to the restroom, sir?		
	18 MR. FISHER: We'll go off the record for 15		
	19 minutes.		
	20 MR. BITGOOD: Thank you, Mr. Fisher.		
	21 THE VIDEOGRAPHER: Off the record at		
	22 11:52 a.m.		
	23 (Break taken from 11:52 a.m. to 12:08 p.m.)		
	24 MR. FISHER: Please read back my last		
	25 question.		

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Phone: 832-930-4484 Fax: 832-930-4485

Infinity Reporting Group, LLC

1	Q. You've never asked him why?	36
2	A. No, I have not.	36
3	Q. Okay. What's your date of birth?	36
4	A. My year is 1947. I decline to give you the	36
5	month and day.	36
6	Q. Why?	36
7	A. It's personal information. This is not a	36
8	subpoena duces tecum. This is not noticed as a subpoena	36
9	duces tecum and I decline to give you the year and	36
10	day - the month and day.	36
11	MIR. BITGOOD: Mr. Fisher, I just sent you	36
12	the screenshot of the phone call, sir, to your e-mail	36
13	address.	36
14	Q. (BY MIR. FISHER) And what college did you	36
15	attend?	36
16	A. North Texas State University.	36
17	Q. And what is your degree in?	36
18	A. Elementary Ed. English, with a minor in fashion	36
19	merchandising.	36
20	Q. And what year did you earn your degree?	36
21	A. I finished in 1971.	36
22	MIR. BITGOOD: So you know, Bennett, the	36
23	Pirates won the World Series that year.	36
24	Q. (BY MIR. FISHER) When did you attend law	36
25	school?	36
1	THE VIDEOGRAPHER: Back on the record at	34
2	12:08 p.m.	34
3	(Requested portion was read back)	34
4	A. I'm going to object to form. And you're	34
5	welcome to certify the question.	34
6	Q. (BY MIR. FISHER) Well, we haven't done that in	34
7	a very long time. But at any rate, did you communicate	34
8	with anybody while we were on a break?	34
9	A. Yes.	34
10	Q. With who?	34
11	A. Mr. Bitgood.	34
12	Q. And did you talk to him by phone or did you	34
13	text?	34
14	A. I did not text him. I did not call him.	34
15	Q. How did you communicate with him?	34
16	A. By phone.	34
17	Q. Okay. What did you talk about?	34
18	A. He told me to stay calm.	34
19	Q. What else?	34
20	A. That's all he told me.	34
21	Q. How long was the conversation?	34
22	A. A couple minutes.	34
23	Q. Okay. Well, stay calm sounds to me like three	34
24	or four seconds, so what else did you talk about?	34
25	A. We didn't talk about - we talked about nothing	34
1	related to this case.	35
2	MIR. BITGOOD: Bennett, just so you know, on	35
3	my phone it shows one minute. Would you like me to	35
4	screenshot it and send it to you?	35
5	MIR. FISHER: I'm not taking your deposition	35
6	today, Michael.	35
7	MIR. BITGOOD: Okay. But I'll keep the	35
8	screenshot for you.	35
9	A. Mr. Bitgood is a friend of mine and has been	35
10	for almost 20 years. He realizes that this is a	35
11	deposition to harass me and I'm here pro se. He wanted	35
12	me to stay calm and I told him that I appreciated his	35
13	call and I was staying calm.	35
14	Q. (BY MIR. FISHER) All right. Is Mr. Bitgood's	35
15	real name, surname, Bitgood or Easton?	35
16	MIR. BITGOOD: Object to the form.	35
17	A. His real name is Michael J. - Joseph Bitgood	35
18	AKA Michael Easton.	35
19	Q. (BY MIR. FISHER) Okay. Do you know why he uses	35
20	an assumed name?	35
21	A. No, sir.	35
22	Q. So you've known him for - only 20 years.	35
23	you've known him both as Michael Easton and Michael	35
24	Bitgood?	35
25	A. That's correct.	35
1	A. I believe I started in 1985.	37
2	Q. And when did you finish?	37
3	A. 1988.	37
4	Q. And when did you first take the bar exam?	37
5	A. 1990.	37
6	Q. Okay. Why did you wait two years to take the	37
7	bar exam?	37
8	A. Object to form.	37
9	MIR. BITGOOD: Object to form.	37
10	Q. (BY MIR. FISHER) If you graduated in 1988, did	37
11	you take the bar exam in 1988?	37
12	A. No, I did not.	37
13	Q. Okay. Why not?	37
14	A. Object to form.	37
15	MIR. BITGOOD: Object to form.	37
16	Q. (BY MIR. FISHER) What's the objection?	37
17	A. Form. It's not relevant.	37
18	Q. Well, relevancy objections are not appropriate	37
19	in a deposition.	37
20	A. Well, okay. Object to form. I'm - my	37
21	reasoning between 1988 and 1990 has nothing to do with	37
22	this case and I decline to answer.	37
23	Q. How many times did you take the bar exam?	37
24	A. One.	37
25	Q. And what year were you admitted to the bar?	37

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Susan Norman - Vol. 1

<p>1 A. 1990.</p> <p>2 Q. With respect to the partnership between you and</p> <p>3 Mr. Bitgood that was formed in – well, it was formed in</p> <p>4 May of 2022?</p> <p>5 A. Yes, sir.</p> <p>6 Q. Okay. Did either of you put up any money or</p> <p>7 capital into the partnership?</p> <p>8 A. I know that I didn't.</p> <p>9 MR. BITGOOD: Object to form.</p> <p>10 Q. (BY MR. FISHER) You did not?</p> <p>11 A. No.</p> <p>12 Q. Okay. Who kept the books and records of the</p> <p>13 partnership?</p> <p>14 A. Mr. Bitgood.</p> <p>15 Q. Okay.</p> <p>16 A. To the extent that there were any.</p> <p>17 Q. Who paid for the post office box at the – I</p> <p>18 think it's a UPS Store?</p> <p>19 A. I know that I did not.</p> <p>20 Q. Okay. Do you know if anybody did?</p> <p>21 A. I don't know that independently, no, sir.</p> <p>22 Q. You never asked Mr. Bitgood?</p> <p>23 A. No.</p> <p>24 Q. He never asked you for any money to contribute</p> <p>25 to the partnership?</p>	38	<p>1 as I recall.</p> <p>2 Q. Okay. What were the – were you a defendant or</p> <p>3 were you a plaintiff in the lawsuits?</p> <p>4 A. I was a defendant.</p> <p>5 Q. Okay. And what were the allegations?</p> <p>6 A. Sitting here today, Mr. Fisher, one of them was</p> <p>7 by a putative temporary guardian who alleged I did not</p> <p>8 turn over my client's funds to the temporary guardian.</p> <p>9 That was dismissed.</p> <p>10 One was by a former client who, it turned</p> <p>11 out, who filed a grievance – brought a lawsuit, which</p> <p>12 the state bar dismissed when they realized he was lying.</p> <p>13 He subsequently sued me and that case was ultimately</p> <p>14 dismissed.</p> <p>15 Q. Okay. And the third one?</p> <p>16 A. I've been a party in a bankruptcy matter for</p> <p>17 that same lawsuit, which was ultimately, gosh,</p> <p>18 dismissed. I'm not sure. It's been a while, so my</p> <p>19 memory is imperfect and I – require, if I need to, I</p> <p>20 will respond appropriately later, but at this point, I</p> <p>21 don't recall.</p> <p>22 Q. When was that bankruptcy matter?</p> <p>23 A. It was not – gosh, 2008/2009. I don't recall.</p> <p>24 It was not my bankruptcy. It was a bankruptcy of my</p> <p>25 client's client as far as I recall. It's very – my</p>	40
<p>1 A. No.</p> <p>2 Q. Whose idea was it to form that partnership?</p> <p>3 A. I don't know if it was his idea or if it was</p> <p>4 mutual.</p> <p>5 Q. Okay. Have you been a party to any other</p> <p>6 lawsuits?</p> <p>7 A. Yes.</p> <p>8 Q. Can you tell me about them?</p> <p>9 A. No, sir.</p> <p>10 Q. Why not?</p> <p>11 A. Whatever lawsuits I may have been a party to</p> <p>12 are public record, so –</p> <p>13 Q. Well, tell me what city or county those</p> <p>14 lawsuits were in and then I can look them up on public</p> <p>15 record.</p> <p>16 A. Harris County. Harris County.</p> <p>17 Q. All of them?</p> <p>18 A. May have been Fort Bend County as well.</p> <p>19 Q. How many times have you been a party to a</p> <p>20 lawsuit?</p> <p>21 MR. BITGOOD: Object to form.</p> <p>22 A. Objection, form. Probably two or three.</p> <p>23 Q. (BY MR. FISHER) Okay. What types of lawsuits?</p> <p>24 A. I've been party to lawsuits by the state bar,</p> <p>25 all of which were dismissed except – except one as far</p>	39	<p>1 memory is imperfect on that.</p> <p>2 Q. Okay. What type of an action was that?</p> <p>3 A. I don't remember.</p> <p>4 Q. Okay. All right. Let's go back to your</p> <p>5 history. What did you do between 1971 when you</p> <p>6 graduated college and 1985 when you went to law school?</p> <p>7 A. I joined the Marine Corps.</p> <p>8 Q. Okay. And what did you do in the Marines?</p> <p>9 A. I took the oath. I was told that I would be</p> <p>10 going directly into officer's candidate school once a</p> <p>11 class of female OCS candidates was collected. A</p> <p>12 year-and-a-half later, I heard nothing, so I sent a</p> <p>13 letter and resigned. I worked for several banks. I</p> <p>14 worked for Hertz Rent-a-Car. I worked for Cayman</p> <p>15 Airways. I worked for Frontier Airlines.</p> <p>16 Q. Is that it?</p> <p>17 A. And – yes, that's it.</p> <p>18 Q. Okay. Why did you go to law school?</p> <p>19 MR. BITGOOD: Object to form.</p> <p>20 A. I object to form. Because –</p> <p>21 Q. (BY MR. FISHER) What's the basis of the</p> <p>22 objection?</p> <p>23 A. It's irrelevant.</p> <p>24 Q. Okay. Relevancy is not a proper objection.</p> <p>25 A. Okay. The basis for my – I object to form.</p>	41

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Phone: 832-930-4484 Fax: 832-930-4485

Infinity Reporting Group, LLC

42	1 A. It's a whole lot shorter than saying all four names. 2 names. 3 Q. Okay. But when you say Lewis Bobo, do you mean that in a pejorative sense or are you just shortening Bobo to Bobo? 4 A. I mean it from the standpoint that from what I have seen of the way in which your law firm conducts its personal business and its client's business, it's pretty appalling. 9 A. So that would be, then, in a pejorative sense? Q. Okay. And you're saying that the - that the law firm of Lewis Briskob's evicted somebody. Is that - 14 is that what you mean? 15 A. What I'm saying is the case in which Lewis Briskob's evicted somebody, is involved as a - arose out of an illegal eviction. 17 Q. Okay. And who was evicted? 18 A. Ultimately, my client was not evicted. 19 Q. Okay. And who was the - who was the plaintiff in that action? 20 A. Richard Jones. 21 Q. Okay. And who was the - who was the plaintiff honored to have him in my office for a number of years. 22 Q. Okay. And you practice with your husband Fred? A. Not really. When he gets into a litigation situation, I normally do the litigation. 25	1 Q. Okay. So what part of the law does Fred work in? 2 A. Property tax protest. 3 MRS. BITGOOD: Objection, form. 4 Q. (BY MRS. FISHER) Now, the case you described earlier about the eviction, how were you involved in that case? 5 A. The state court case that - 6 Q. Yes. 7 A. - generated this case? 8 Q. Well, I don't think it generated this case, but I'm talking about the - 9 A. Your partner has said that the state court case generated this case, so I'm just echoing something he said. But I represent a person who was being illegally evicted by - ultimately which became Lewis Bobo - excuse me, Lewis Briskob's client. 10 Q. Why did you just say Lewis Bobo? 11 A. Because that's the short name that I have for this law firm. 12 Q. And is that a name that you created or that Mr. Bilgood created? 13 MRS. BITGOOD: Objection, form. 14 A. God, I really couldn't tell you. 15 Q. (BY MRS. FISHER) Mutual?
44	1 A. It's a whole lot shorter than saying all four names. 2 names. 3 Q. Okay. But when you say Lewis Bobo, do you mean that in a pejorative sense or are you just shortening Bobo to Bobo? 4 A. I mean it from the standpoint that from what I have seen of the way in which your law firm conducts its personal business and its client's business, it's pretty appalling. 9 A. So that would be, then, in a pejorative sense? Q. Okay. And you're saying that the - that the law firm of Lewis Briskob's evicted somebody. Is that - 14 is that what you mean? 15 A. What I'm saying is the case in which Lewis Briskob's evicted somebody, is involved as a - arose out of an illegal eviction. 17 Q. Okay. And who was evicted? 18 A. Ultimately, my client was not evicted. 19 Q. Okay. And who was the - who was the plaintiff in that action? 20 A. Richard Jones. 21 Q. Okay. And who was the - who was the plaintiff honored to have him in my office for a number of years. 22 Q. Okay. And you practice with your husband Fred? A. Not really. When he gets into a litigation situation, I normally do the litigation. 25	1 Q. Okay. And it's your testimony that our law firm, Lewis, Briskob, Bigard & Smith, represented Imperial Lofts in an eviction proceeding? 2 A. No, it's not my position. 3 Q. Okay. I thought you said that our firm did something - 4 A. It arose - your firm represents the Imperial Lofts, which ever one, the LLC - I forget which, I'd have to look - as an entity, which is a defendant in a case that arises out of Imperial Lofts' attempt to illegally evict my client, Richard Jones. 5 Q. Okay. Now, you understand that the law firm doesn't really practice law, that lawyers practice law, correct? You know that as a lawyer? 6 A. Of course I know that as a lawyer. 7 Q. So the law firm, even if it did represent Imperial Lofts in that case, didn't evict anybody. 8 A. I didn't say that the law firm evicted anybody. I said they - I believe what I said was they represent the entity which attempted to illegally evict my client. 9 Q. Did any lawyer in this firm represent Imperial Lofts in the eviction proceeding? 10 A. No. 11 Q. That's correct. 12 MRS. BITGOOD: Object to the sidebar.

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Phone: 832-930-4484 Fax: 832-930-4485

Infinity Reporting Group, LLC

<p>1 its right to do business in Texas. So from that 2 context, that may have been the context in which that 3 statement was made, but I will tell you that Judge White 4 found that this firm was not authorized. And I believe 5 Mr. Outbre was not authorized because he lost the Rule 12 6 motion to show authority. 7 Q. (BY MR. FISHER) Okay. Well, that - 8 MR. FISHER: I'm going to object to 9 responsiveness. 10 Q. (BY MR. FISHER) But you do understand that 11 only the State Bar of Texas has the authority to provide 12 an individual with the ability to practice law and no 13 other governing body? 14 A. That is - 15 MR. BITGOOD: Objection - Ms. Norman, let 16 me object, please. Objection as to form, assumes a fact 17 not in evidence. It's the Texas Supreme Court that 18 makes that determination. It's delegated by the state 19 bar, but it's not by them. It's the Supreme Court of 20 Texas. Look at the license on your wall, Bennett. 21 Q. (BY MR. FISHER) Can you answer my question? 22 A. I'm going to object to the fact that what Mr. 23 Eason says is correct. It's objection, form. But I 24 have never independently said that Mr. Outbre is not 25 licensed to practice law in Texas nor would I because I</p>	<p>1 representation, that's how you got to know David Outbre 2 and the law firm of Lewis, Brisbois, Bisgaard & Smith? 3 A. Yes. 4 Q. Okay. Now, you do understand that David Outbre 5 has been practicing law for many years and has never 6 been suspended or lost his license to practice law, 7 correct? 8 MR. BITGOOD: Objection, form. 9 A. Objection, assumes facts not in evidence. 10 Q. (BY MR. FISHER) No, I'm asking you directly 11 the question. The court reporter can read it back. 12 It's not assuming anything. 13 A. Well, you're making an assumption that I know 14 something. No, I don't know that. 15 Q. You don't know that. Okay. Well, that's an 16 answer, but my question was very straightforward. 17 A. Can she please read the question back. 18 (Requested portion was read.) 19 A. Right. That's your statement. I have not 20 looked him up on the state bar website so that I 21 cannot - if I assume that you're telling the truth, I 22 can assume that, but you want me to assume things that I 23 have not personally reviewed. 24 Q. (BY MR. FISHER) No, I'm asking you if you have 25 knowledge.</p>
<p>1 A. I have no knowledge. 2 Q. Okay. Because I think either you or your 3 partner said that David Outbre was not authorized to 4 practice law in Texas at one time or another in Fort 5 Bend County court or in front of Judge Ellison. 6 In one of those forums, either you or 7 Mr. Bitgood said that David Outbre is not authorized to 8 practice law. 9 MR. BITGOOD: Objection as to form. The 10 document will speak for itself as will the Court's 11 findings on the issue. 12 MR. FISHER: Please only limit your 13 objections to form only. 14 MR. BITGOOD: Mr. Fisher, if you have a 15 problem with my objections, that's why we have 16 objections. Thank you. 17 MR. FISHER: I do. 18 A. I don't recall Mr. Bitgood having said those 19 words, but what I do recall is Mr. Outbre appeared as 20 if - a managing - as a partner, as an employee, 21 whichever, of this firm, and this firm was not licensed 22 to do business in Texas. 23 And so as far as I know, Mr. Outbre did not 24 independently represent anybody in that case. So 25 Mr. Outbre appeared as an employee of a firm that lost</p>	<p>1 Q. (BY MR. FISHER) This guy got involved only in 2 the defense of a lawsuit by Mr. Jones, and I think 3 Mr. Bitgood, for allegedly wrongfully evading? 4 A. That's correct. 5 Q. Okay. So the law firm of Lewis, Brisbois, 6 Bisgaard & Smith didn't do anything, but at least one 7 lawyer in this law firm defended Imperial Lofts in a 8 lawsuit, correct? 9 A. No, that's not correct. 10 MR. BITGOOD: Ms. Norman, forgive me, 11 please. Object to the form of the question. 12 multifarious. We didn't do anything, slash, one lawyer 13 represented the firm. Which is it? Did we do anything 14 or did a lawyer represent? 15 Q. (BY MR. FISHER) Do you understand the 16 question? 17 A. I understand the question, but your question 18 assumes facts not in evidence. Your law firm, at a time 19 when it was not authorized to do business in Texas, took 20 on representation of defendants in the case. I think 21 it's 22-CV-070378, if I'm saying it correctly. 22 The law firm took on defending all the 23 defendants initially using David Outbre - I call him 24 Outbre - David Outbre as the lawyer from the firm. 25 Q. Okay. And in the course of that</p>

Videotaped Deposition of Susan Norman - Vol. 1

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Phone: 832-930-4484 Fax: 832-930-4485

Infinity Reporting Group, LLC

52	1 using a lawyer for the firm who is not a sole 2 practitioner, what was filed was void because there was 3 no authority to conduct business in Texas. 4 Q. (BY MR. FISHER) Do you have a cite for that 5 conclusion? 6 A. Not on me. 7 Q. Okay. 8 MR. FISHER: It's almost 12:40. Let's take 9 a one-hour break for lunch. 10 THE VIDEOGRAPHHER: Off the record at 11 12:39 p.m. 12 (Break taken from 12:39 p.m. to 1:50 p.m.) 13 THE VIDEOGRAPHHER: Back on the record at 14 1:50 p.m. 15 A. I have to leave by 3 o'clock. I have a 16 dementia patient at my home that I must take care of. 17 If you're not done, you can continue this by Zoom. I'm 18 available tomorrow if you'll send me the exhibits. 19 however you want to do that, but I - I have no choice 20 about taking care of this person at my home. 21 Q. (BY MR. FISHER) Okay. Well, we're going to 22 continue in person, but it won't be tomorrow. 23 A. Okay. 24 Q. All right. 25 A. And number two, you asked me a couple of	51	1 A. Yes. I'm looking at the docket of the - this 2 case, 4:22-CV-3279. And I will recall and I will add 3 under optional completeness when I cross examine myself. 4 This law firm, probably for the second or 5 third time since it entered Texas, lost its ability to 6 operate as a law firm in Texas on March the 5th, 2022. 7 To the best of my recollection, Mr. Outbre filed an 8 answer in this case on March the 11th, 2022 on behalf of 9 this firm, not on his own individual behalf. 10 Q. Well, didn't he sign the pleadings? 11 A. He signed the pleadings, but he didn't sign the 12 pleading - 13 Q. As an attorney? 14 A. He signed as an attorney working for this firm, 15 which had no right to appear in a Texas court 16 Q. So what do you think that the remedy is for a 17 company that's operating in Texas without authorization 18 under Texas law? And you've been a lawyer now for 30 19 years. 20 MR. BITGOOD: Objection as to form. You 21 said company or law firm? 22 MR. FISHER: Any entity. 23 MR. BITGOOD: Okay. Thank you. 24 A. Well, it's my understanding from reading the 25 law that anything that was done by this firm after it -
53	1 questions that I want to answer regarding Mr. Bitgood's 2 name change. 3 Q. Yeah. 4 A. It was done on June 25th, 2013. I had 5 forgotten that I represented his then wife. His reasons 6 for the name change are set forth in his sworn 7 application, which was signed off on by a district judge 8 in Fort Bend County. Okay. 9 And you also asked me if I had any 10 statutory authority regarding Judge White's findings in 11 his orders of September 13th. 12 Q. I'm not sure that was my question, but - 13 A. Okay. A couple things, Texas Business and 14 Commerce Code - 15 Q. Hold on. Why don't you save that for your - 16 A. Well, you asked me. I want to - 17 Q. All right. Go ahead. 18 A. Under optional completeness, I want to - would 19 you read back the question regarding - 20 Q. How is she going to find it? 21 A. The word "statutory authority." It was toward 22 the end. 23 MR. BITGOOD: Susan, may I suggest if you 24 want to make a statement to Mr. Barnett go ahead and 25 don't make the court reporter go through miles of tape.	54	1 am in no position to make that statement. I've never 2 made that statement. 3 Q. And he gains his authority to practice law 4 through the state bar as delegated by the Supreme Court 5 of the State of Texas, correct? 6 A. Yes, that's correct. 7 Q. Okay. So not the Secretary of State's office 8 and not the comptroller's office. Neither of those 9 offices have the authority to determine who can practice 10 law and who can't? 11 A. Well, I'm going to object to form because 12 here's the problem. Mr. Outbre did not appear as a sole 13 practitioner representing anybody. He appeared under 14 the auspices of a firm that lost its right to do 15 business in Texas. 16 So to the extent that he was appearing as a 17 part of a firm that had no right to do business, his 18 authority to act as a lawyer was not in question, but 19 his authority to act as a lawyer for these clients under 20 the auspices of this firm was definitely lost. 21 Q. Now, when - when did he file something that 22 you think either - either David Outbre or the firm 23 didn't have the authority to operate? 24 A. Okay. Hang on one second. 25 Q. And can you tell us what you're looking at?

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Phone: 832-930-4484 Fax: 832-930-4485

Infinity Reporting Group, LLC

54	<p>1 A. You asked me about statutory authority for</p> <p>2 my - something related to whether my opinion was that</p> <p>3 the orders were void. Texas Business and Commerce Code</p> <p>4 Section 71.201, 71.203, and Judge White's</p> <p>5 findings of fact and conclusions of law signed on -</p> <p>6 Q. (BY MR. FISHER) Well, that's not statutory</p> <p>7 authority.</p> <p>8 A. Well, this goes along with the statutory</p> <p>9 authority - signed 27th of September 2022. It is</p> <p>10 Exhibit C to Document 60, filed on 11/28/22.</p> <p>11 Q. Okay. That's not responsive to any question,</p> <p>12 but let's move forward.</p> <p>13 I'm going to hand you what we've marked as</p> <p>14 Exhibit 1.</p> <p>15 (Exhibit 1 marked.)</p> <p>16 MR. BITTGOOD: That would be the notice of</p> <p>17 deposition, Mr. Fisher?</p> <p>18 Q. (BY MR. FISHER) Can you please identify that</p> <p>19 document for the record.</p> <p>20 A. It's entitled "Plaintiff's Amended Notice of</p> <p>21 Intention to Take the Oral and Video Deposition of Susan</p> <p>22 C. Norman."</p> <p>23 Q. And you're here today pursuant to this notice?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. I'm going to hand you what we've marked</p>	55	<p>1 as Exhibit Number 2.</p> <p>2 (Exhibit 2 marked.)</p> <p>3 Q. (BY MR. FISHER) You can confirm to me that</p> <p>4 that's a two-page document that are e-mails from you to</p> <p>5 Mr. Easton?</p> <p>6 A. Document 173 filed on May 22nd, 2023. It's</p> <p>7 Page 13 of 81. This page appears to be responsive to</p> <p>8 request for production 522223, Page 2 and 3 of 50. It</p> <p>9 says, "Subject: Lewis Bobo still expired. Attachments:</p> <p>10 2022-05-02 - Lewis Bobo still expired at 12:34 p.m.pdf"</p> <p>11 Q. Okay. And why did you send that e-mail to</p> <p>12 Mr. Easton?</p> <p>13 A. Because I continually checked to see if you -</p> <p>14 the Texas Secretary of State showed that your firm had</p> <p>15 renewed its business - it's authority to do business in</p> <p>16 Texas. And according to the Texas Secretary of State,</p> <p>17 it had not as of March - May 22nd, 2023.</p> <p>18 Q. Okay. And you thought that gave you</p> <p>19 permission, then, to use the name Lewis, Brisbois,</p> <p>20 Bisgaard & Smith?</p> <p>21 A. Yes.</p> <p>22 MR. BITTGOOD: Let me know when you're going</p> <p>23 to make an objection, Ms. Norman, before you blurt out</p> <p>24 another answer.</p> <p>25 MR. FISHER: Mr. Easton, once again, please</p>
56	<p>1 confine your remarks to objection, form.</p> <p>2 MR. BITTGOOD: Okay.</p> <p>3 (Exhibit 3 marked.)</p> <p>4 Q. (BY MR. FISHER) I'm going to hand you what</p> <p>5 we've marked as Exhibit 3 and ask you to identify that</p> <p>6 group of documents for me.</p> <p>7 A. Okay.</p> <p>8 Q. And this is an e-mail from you to Mr. Easton</p> <p>9 with some attachments?</p> <p>10 A. Yes, it appears to be.</p> <p>11 Q. Okay. And why did you send this e-mail to</p> <p>12 Mr. Easton?</p> <p>13 A. Because as of May 31st, 2022, it shows that my</p> <p>14 short name, Lewis Bobo-Dalies Office, with a filing</p> <p>15 history including renewals until 2020, none after 2020.</p> <p>16 So between November 2020 and I guess 2021, the firm had</p> <p>17 no authority - the firm had no authority to do business</p> <p>18 in Texas.</p> <p>19 The entity status was expired looks like at</p> <p>20 least twice over the course of the - because I was</p> <p>21 frankly - the reason I sent it, I was frankly amazed.</p> <p>22 Q. Okay. That's not responsive, but -</p> <p>23 A. You asked me why.</p> <p>24 Q. Okay. So you were amazed. So you sent this</p> <p>25 because you were amazed?</p>	57	<p>1 A. I sent it because I was amazed that a</p> <p>2 1,600-lawyer law firm would allow itself to be deprived</p> <p>3 of the authority to do business and represent clients in</p> <p>4 Texas.</p> <p>5 Q. Okay. But as of May when you sent this e-mail,</p> <p>6 you knew that there was a law firm whose name was Lewis,</p> <p>7 Brisbois, Bisgaard & Smith, did you not?</p> <p>8 A. I did.</p> <p>9 Q. And you also know, if you look at Exhibit 3,</p> <p>10 that the effective date was March 28th, 2022, of the</p> <p>11 filing, the renewed filing?</p> <p>12 A. Objection, form. Because as I stated earlier,</p> <p>13 that document did not appear in the records of the Texas</p> <p>14 Secretary of State until June the 9th, 2022.</p> <p>15 Q. But you know that the reason why it didn't</p> <p>16 appear is because the Secretary of State's office was</p> <p>17 backed up from all the COVID filings?</p> <p>18 MR. BITTGOOD: Objection to form, assumes a</p> <p>19 fact not in evidence.</p> <p>20 A. Objection, form.</p> <p>21 Q. (BY MR. FISHER) You know that now?</p> <p>22 A. I know it now. I didn't know it until June the</p> <p>23 9th.</p> <p>24 Q. Okay. When did you know it?</p> <p>25 A. I told you, June the 9th, 2022.</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Phone: 832-930-4484 Fax: 832-930-4485

Infinity Reporting Group, LLC

60	<p>1 Lewis, Bischoff, Bisgaard & Smith in Texas had been renewed and was recognized?</p> <p>2 MR. BITGOOD: Objection as to form, was recognized.</p> <p>3 A. Objection to form also. The e-mail reads.</p> <p>4 "According to the staff attorney, Chase Howell, name availability rules do not apply to LLP registrations as they do to corporate registrations.</p> <p>5 Although the March 28th, 2022 paper-not online-filing was only accepted June 9th, the SOS," Secretary of State, "backdates it to the date of the SOS receipt.</p> <p>6 Explanation for extreme delay in processing paper filings is COVID and they have not caught up with paper filings since the COVID lockdown."</p> <p>7 Q. (BY MR. FISHER) Okay. And just to be clear, SOS is your shorthand for Secretary of State?</p> <p>8 A. That's what I just said, yes.</p> <p>9 Q. Okay. You said it the first time, not the second. I just want to make sure that it's clear. So it's fair to say that as of June 9th, 2022, you knew that Lewis, Bischoff, Bisgaard & Smith, LLP, the California limited liability partnership, had renewed its registration with the State of Texas?</p> <p>10 A. I can answer it this way. I know that the</p>	58	<p>1 Q. Okay. And yet, you continued to use the name "Lewis, Bischoff, Bisgaard & Smith" in your business venture with Mr. Bitgood?</p> <p>2 A. Well, I can answer that this way.</p> <p>3 Q. It's kind of a yes or no.</p> <p>4 A. Yes or no doesn't answer the question because at the time -</p> <p>5 MR. FISHER: Can you read back the question?</p> <p>6 (Requested portion was read.)</p> <p>7 A. The answer is yes, and there was a declare - I don't recall the date, but we have a declaration judgment on file as to who is entitled to use the name. Secretary of State doesn't make that determination.</p> <p>8 Q. (BY MR. FISHER) Okay.</p> <p>9 MR. FISHER: Objection, nonresponsive after</p> <p>10 THE WITNESS: Yes, sir.</p> <p>11 MR. BITGOOD: Thank you.</p> <p>12 (Exhibit 4 marked)</p> <p>13 Q. (BY MR. FISHER) I'm going to hand you what we've marked as Exhibit Number 4. And is this not an</p>	59	<p>1 e-mail from you to Mr. Easton also on May 31st, 2022?</p> <p>2 A. Yes, it is. The time on this e-mail on Exhibit 4 is 12:29 p.m. And I don't know if I mentioned on Exhibit 3, it is 12:31 p.m. This one is the subject, "The Houston Office of Lewis Bobo."</p> <p>3 Q. Lewis what?</p> <p>4 A. The subject says "Houston Office of Lewis Bobo."</p> <p>5 Q. And again, that's - that's your pejorative name for Lewis, Bischoff, Bisgaard & Smith?</p> <p>6 A. That is my short name for this firm. And it's - you can characterize it as pejorative if you wish.</p> <p>7 (Exhibit 6 marked)</p> <p>8 Q. (BY MR. FISHER) I'm going to hand you a document that I've marked as Exhibit 6 and ask you if you can identify that e-mail.</p> <p>9 A. Yes, I can.</p> <p>10 Q. Okay. Can you identify this document for the Court?</p> <p>11 A. It's an e-mail that's Document 173 filed on May 22nd, 2022, in this case. It was sent Thursday, June 9th, 2022, at 3:31 p.m. from me to Mr. Bitgood.</p> <p>12 Q. Okay. And this confirms that you knew on June 9th that the registration or re-registration of</p>	61	<p>1 Secretary of State backdated it to the date of the receipt of the paper filing.</p> <p>2 Q. All right. I'm going to ask it a different way, then. Yes or no, as of June 9th, 2022, you knew that Lewis, Bischoff, Bisgaard & Smith, LLP, a law firm who was organized under the state laws of California, had renewed its registration to do business and authority to do business/request for authority to do business in the state of Texas, yes or no?</p> <p>3 A. I'm going to object to form. And I'm going to say subject to that objection, the Secretary of State backdated the receipt to -</p> <p>4 Q. All right.</p> <p>5 MR. FISHER: Objection, nonresponsive.</p> <p>6 Q. (BY MR. FISHER) That wasn't my question. My question was: As of June 9th, you knew that Lewis, Bischoff, Bisgaard & Smith had renewed its registration for authority to do business in Texas?</p> <p>7 A. Objection, form. The answer is yes.</p> <p>8 Q. Okay. What's your objection?</p> <p>9 A. My objection is that Secretary of State backdating a paper copy does not obviate the fact that the Texas LLP had been filed and accepted by the Secretary of State.</p> <p>10 Q. I didn't ask you that question.</p>
----	---	----	--	----	--	----	---

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Susan Norman - Vol. 1

<p>62</p> <p>1 A. Okay. That's my explanation for my answer.</p> <p>2 Q. I only asked you if you knew as of June 9th</p> <p>3 that Lewis, Brisbois, Bisgaard & Smith had authority to</p> <p>4 do business. It might have been as of March 28th, but I</p> <p>5 didn't ask you that question. My question is when did</p> <p>6 you know that Lewis, Brisbois, Bisgaard & Smith had</p> <p>7 authority to do business in the state of Texas again?</p> <p>8 A. Now, to that question, I can say June 9th.</p> <p>9 Q. 2022?</p> <p>10 A. 2022.</p> <p>11 Q. Okay. I'm going to hand you what we've marked</p> <p>12 as Exhibit 11.</p> <p>13 (Exhibit 11 marked.)</p> <p>14 A. Okay.</p> <p>15 Q. (BY MR. FISHER) And ask you to identify that</p> <p>16 e-mail for the record.</p> <p>17 A. It's also part of Document 173. It is an</p> <p>18 e-mail sent Thursday, October 6th, 2022, at 9:00 p.m. to</p> <p>19 East Pro Law, subject: Sec state letter, attachments:</p> <p>20 2022 10-06 SCN letter Secretary of State.</p> <p>21 Q. Okay. What does that mean, SCN letter?</p> <p>22 A. Susan C. Norman.</p> <p>23 Q. Okay. And the 10-6 is the date, October 6th?</p> <p>24 A. That's correct.</p> <p>25 Q. All right. Why did you send this letter to</p>	<p>64</p> <p>1 MR. BITGOOD: Objection, form, speculation.</p> <p>2 A. You're assuming that after having a hearing</p> <p>3 where your partner made assertions which were not true</p> <p>4 to the Court and used a fraudulent document with the</p> <p>5 Court, we still heard the Court's soft request that this</p> <p>6 case be concluded and that's my analysis.</p> <p>7 Q. (BY MR. FISHER) All right.</p> <p>8 MR. FISHER: Objection, nonresponsive.</p> <p>9 A. No, you're asking me -- excuse me. I'm going</p> <p>10 to finish my -- you can strike it if you want, ask the</p> <p>11 Court to strike it, but I have more to say.</p> <p>12 It would be foolish for me to have started</p> <p>13 another company with this name after ceasing operations</p> <p>14 and letting the Court know that we had ceased</p> <p>15 operations. So the answer is, no, we could not have</p> <p>16 done that in good conscience.</p> <p>17 Q. (BY MR. FISHER) Okay. But you're assuming,</p> <p>18 are you not, that I think that it was perfectly okay for</p> <p>19 you to use the name in the first place, right, with that</p> <p>20 amount of logic?</p> <p>21 MR. BITGOOD: Objection, form.</p> <p>22 A. Objection, form. It was perfectly okay.</p> <p>23 Q. (BY MR. FISHER) That wasn't my question. My</p> <p>24 question was you're assuming that I think --</p> <p>25 MR. BITGOOD: Objection, form.</p>
<p>63</p> <p>1 Mr. Easton -- Easton or Mr. Bitgood?</p> <p>2 A. Because we agreed to cease operations of the</p> <p>3 limited liability partnership.</p> <p>4 Q. Okay. And the next page of that exhibit is a</p> <p>5 letter to the Secretary of State, correct?</p> <p>6 A. That's correct.</p> <p>7 Q. All right. And what is it about this letter</p> <p>8 that you think is significant?</p> <p>9 MR. BITGOOD: Objection, form.</p> <p>10 A. What I think is significant is that as of -- as</p> <p>11 of the date of the first hearing in this case where the</p> <p>12 Court heard arguments as to this matter, we took the</p> <p>13 Court's soft request to heart and dissolved -- agreed to</p> <p>14 dissolve the partnership and cease operations. I think</p> <p>15 that's what I think is significant. This case could</p> <p>16 have been over on October the 6th or the 7th.</p> <p>17 Q. (BY MR. FISHER) Okay. But absent any other</p> <p>18 court order to the contrary, you could just form a new</p> <p>19 company, couldn't you, with the same name?</p> <p>20 MR. BITGOOD: Objection, form.</p> <p>21 A. Objection, form. Absolutely not.</p> <p>22 Q. (BY MR. FISHER) Why not? What is it about</p> <p>23 this letter that would preclude you from forming another</p> <p>24 company called Lewis, Brisbois, Bisgaard & Smith?</p> <p>25 A. Common sense.</p>	<p>65</p> <p>1 Q. (BY MR. FISHER) -- or the 1,600 lawyers in our</p> <p>2 firm think that it was okay for you to use the name in</p> <p>3 the first place.</p> <p>4 MR. BITGOOD: Objection, form. We know of</p> <p>5 one lawyer who thought it was okay. His name was David</p> <p>6 Oubre.</p> <p>7 MR. FISHER: Objection, sidebar. And I</p> <p>8 hate to call the judge over stuff like this, Michael.</p> <p>9 Would you please just use the rules? Don't abuse them.</p> <p>10 MR. BITGOOD: Okay, Bennett. In all</p> <p>11 fairness, Bennett, how are you going to ask the witness</p> <p>12 what you were thinking? Think about that.</p> <p>13 MR. FISHER: I just asked her based upon --</p> <p>14 I'm going to withdraw that.</p> <p>15 (Exhibit 12 marked.)</p> <p>16 Q. (BY MR. FISHER) I'm handing you or I've handed</p> <p>17 you what I've marked as Exhibit 12. And I will</p> <p>18 represent to you that that's an e-mail that you wrote to</p> <p>19 Mr. Bitgood on October 6th, 2022, at 8:34 p.m. Can you</p> <p>20 confirm that?</p> <p>21 A. Yes, I can.</p> <p>22 Q. Okay. And --</p> <p>23 A. Excuse me. If you want me to identify this, it</p> <p>24 is Document 173, Page 3 of 18.</p> <p>25 Q. This is not Document 173. It might have been</p>

Infinity Reporting Group, LLC
Phone: 832-930-4484 Fax: 832-930-4485

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Phone: 832-930-4484 Fax: 832-930-4485

Infinity Reporting Group, LLC

68	<p>1 participated in a limited liability partnership.</p> <p>2 correct? I'm looking at Section 1.01.</p> <p>3 A. Yes, that's what it says.</p> <p>4 Q. Okay. Now, on the second section.</p> <p>5 Section 1.02, it says that you entered into an oral</p> <p>6 partnership agreement is that correct?</p> <p>7 A. That's what it says.</p> <p>8 Q. And is that accurate?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Now, in 2.01, it says, "The parties have</p> <p>11 ceased the operation of their regular partnership</p> <p>12 business." So my question is: What's a regular</p> <p>13 partnership?</p> <p>14 A. It's a description of this partnership.</p> <p>15 Q. Okay. Now, going to the signature blocks on</p> <p>16 Page 3, I need your help on this because I need to</p> <p>17 understand this. I know what a general partner is and</p> <p>18 the rights and obligations of a general partner and I</p> <p>19 know what a limited partner is and I understand the</p> <p>20 rights and obligations of a limited partner, but you</p> <p>21 have to tell me what is a general limited partner?</p> <p>22 A. There should have been a slash after - between</p> <p>23 general and limited.</p> <p>24 Q. Should have been?</p> <p>25 A. There should have been.</p>	67	<p>1 A. Yes, it does.</p> <p>2 Q. So my question is: Who is the general partner</p> <p>3 of this limited partnership? And I point to the top,</p> <p>4 the band - the title of the document is "Notice of</p> <p>5 Agreement Winding Up and Terminating Limited</p> <p>6 Partnership."</p> <p>7 A. At the bottom - it's on the signature page.</p> <p>8 It says first general limited partner is Michael Joseph</p> <p>9 Bilgood, the second general limited partner is Susan C.</p> <p>10 Norman.</p> <p>11 Q. All right. Would you agree with me that every</p> <p>12 limited partnership under Texas law must have at least</p> <p>13 one general partner and one limited partner?</p> <p>14 A. I won't challenge that statement. I haven't</p> <p>15 looked that up.</p> <p>16 Q. Okay. So you don't know as we're sitting here</p> <p>17 today after 30 years of law practice that every Texas</p> <p>18 limited partnership must have at least one general and</p> <p>19 one limited partner?</p> <p>20 A. I have told you before I did not form general</p> <p>21 partnerships 30 years ago. In the few times that I have</p> <p>22 done anything related to forming entities and -</p> <p>23 Q. Who drafted this document?</p> <p>24 A. I drafted it.</p> <p>25 Q. Okay. Now, it says that you briefly</p>
69	<p>1 Q. Well -</p> <p>2 A. There isn't. I should have put it there.</p> <p>3 Q. You had a first general limited partner and you</p> <p>4 had a second general limited partner. So if you put a</p> <p>5 slash there, what would the slash have meant?</p> <p>6 A. General partner, limited partner. This may be</p> <p>7 imperfect. Mr. Fisher. It was designed to accommodate</p> <p>8 the winding up - as imperfect as it may be, designed to</p> <p>9 put on notice to the Secretary of State and to the</p> <p>10 Court, the Honorable Keith Ellison, that there was no</p> <p>11 need to continue this case or for an injunction or for a</p> <p>12 temporary restraining order after October the 6th, 2022.</p> <p>13 Q. Simply because you filed this document?</p> <p>14 A. Simply because in good conscience this document</p> <p>15 was filed and then was later followed up with specific</p> <p>16 documents related to the computer, other documents</p> <p>17 which I don't have before me at this point.</p> <p>18 And I will note that the Secretary of State</p> <p>19 permitted - as imperfect as this may be, permitted the</p> <p>20 limited partnership to be wound up and closed.</p> <p>21 Q. Okay.</p> <p>22 MR. FISHER: Objection, nonresponsive.</p> <p>23 (Exhibit 14 marked.)</p> <p>24 Q. (BY MR. FISHER) I'm going to hand you what</p> <p>25 we've marked as Exhibit 14. And I will represent to you</p>	66	<p>1 filed with the federal court as part of Document 173.</p> <p>2 A. That's exactly what it was.</p> <p>3 Q. But that e-mail was sent independent of</p> <p>4 Document 173. It was sent on October 6th, 2022, at</p> <p>5 8:34 p.m., last fell to Mr. Bilgood.</p> <p>6 A. That's correct.</p> <p>7 Q. Document 173 was filed with the Court in May</p> <p>8 of this year.</p> <p>9 A. That's correct and I've testified to that</p> <p>10 already as to Document 173.</p> <p>11 Q. Okay. Have you seen the second page of this</p> <p>12 document?</p> <p>13 A. Is it Page Number 2?</p> <p>14 Q. It's Page 2, 3, and 4 of this exhibit.</p> <p>15 A. I don't have a Page 4.</p> <p>16 Q. I know you don't, but it's the second, third,</p> <p>17 and fourth page of this exhibit.</p> <p>18 A. Okay. So that is - I'm looking at Page 1,</p> <p>19 Page 2 and Page 3 as numbered on the bottom of the</p> <p>20 pages, is that correct?</p> <p>21 Q. That's correct.</p> <p>22 A. Okay.</p> <p>23 Q. Now, in there, it says at the top, "Michael</p> <p>24 Joseph Bilgood and Susan Norman, limited partners, agree</p> <p>25 as follows," does it not?</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Susan Norman - Vol. 1

<p>70</p> <p>1 that this is another e-mail to Mr. Bitgood on 2 October 6th, this time about an hour later at 9:28 p.m. 3 Can you confirm that? 4 A. As part of Document 173 that was filed on 5 May 22nd, 2023, and it's - the time is correct, October 6 6th, 9:28 p.m. 7 Q. All right. Now, I've got attached to that a 8 letter to Judge Ellison also dated October 6th, but 9 signed by Mr. Bitgood. 10 A. Yes, sir. 11 Q. So why are you sending a letter from you to 12 Mr. Bitgood if he's the one that wrote the letter, or 13 did you write the letter for his signature? 14 A. I don't believe that - if it's one long scan, 15 then there are attachments missing because one long scan 16 does not reflect a one-page document. 17 Q. Okay. And you're referring to the subject line 18 on the first page of that exhibit? 19 A. Yes. 20 Q. All right. I don't know what one long scan 21 means. Can you tell me? 22 A. Well, what it means is if you look at the first 23 line of the letter, "I enclose the paperwork filed on an 24 even date with the Texas Secretary of State, which 25 resolves grievances set forth by plaintiff pro se." And</p>	<p>72</p> <p>1 Q. (BY MR. FISHER) All right. So Peter Riga, 2 Ph.D. J.S.D. J.D. LL. M.St.D. Th.D. Ph.L. Emeritus, what 3 does all that mean? 4 A. Do you understand what Ph.D. means? 5 Q. Yeah. He's a doctor of philosophy. 6 A. J.S.D. is, I am assuming, a legal status from 7 some - he's a JD, he's a master at laws. S.T.D., I 8 think, is something with divinity and divinity - 9 theological divinity. That was Mr. Riga's - 10 Q. What's Ph.L? 11 A. I think it's philosophy of law. I don't know. 12 I did not create this letterhead. 13 Q. Do you know who did? 14 A. When he was alive, Peter J. Riga. 15 Q. Okay. And you say that you officed next to or 16 with Peter Riga? 17 A. He had his own space independent of me in my 18 office. 19 Q. Okay. And what was Mr. Bitgood's relationship 20 with Mr. Riga? 21 MR. BITGOOD: Oh, tell him, please. 22 A. Mr. Bitgood worked for Mr. Riga at various 23 times. They were very close friends. 24 Q. (BY MR. FISHER) Is that it? 25 A. Well, there's a lot more, but that's my -</p>
<p>71</p> <p>1 that would be the recitals, which is in Exhibit 12. It 2 would be Exhibit 11. As far as I can tell, it would be 3 11 and 12. 4 Q. All right. Let's look up at the top of this 5 letter. Let me ask the question again. Who wrote this 6 letter? 7 A. Mr. Easton. 8 Q. Okay. 9 A. Mr. Bitgood. 10 Q. All right. So you didn't write this letter for 11 him? 12 A. No. 13 Q. Okay. I'm looking at the letterhead. And at 14 the top, it says Peter J. Riga and it references him as 15 everything but a member of the Professional Golfers 16 Association. 17 A. Excuse me. That's sarcasm and I object to 18 that. 19 Q. That's okay. It's my deposition. 20 A. Yes, but common courtesy - 21 MR. BITGOOD: Objection as to form. Don't 22 argue with him. Let him be a clown. Continue, bozo. 23 MR. FISHER: Talking to you or me? 24 MR. BITGOOD: That would be you. 25 MR. FISHER: I can't tell.</p>	<p>73</p> <p>1 that's my analysis of it and that's really for 2 Mr. Bitgood to answer. 3 Q. Okay. I'm just asking what you know today. Do 4 you know who is handling Peter Riga's estate? 5 A. No one so far as I know. 6 Q. Did he have any children? 7 A. I believe he did. 8 Q. Do you know their names? 9 A. I don't - I don't recall their names. I met 10 them one time after their father died and have had no 11 contact with them. 12 Q. You say them. Was there more than one child? 13 A. I think there's more than one. I think there's 14 a daughter. I think there's at least one son. 15 Q. Okay. So you don't know if anyone from the 16 Riga family or estate has given permission to use his 17 name in this manner? 18 MR. BITGOOD: Objection, form. 19 A. Objection. I don't know - I have no idea. 20 Q. (BY MR. FISHER) Okay. That's - that's an 21 answer to my question. 22 (Exhibit 15 marked.) 23 Q. (BY MR. FISHER) I'm going to hand you what has 24 been marked as Exhibit 15 and represent to you that 25 there is an e-mail from you to Mr. Easton and to Brad</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Phone: 832-930-4484 Fax: 832-930-4485

Infinity Reporting Group, LLC

<p>1 9/13, you didn't exist any more in the eyes of the Court.</p> <p>2 MR. FISHER: Doesn't say why.</p> <p>3 A. I wanted to make the Court aware that I would</p> <p>4 be willing to cooperate in proper discovery, but my</p> <p>5 objections to the discovery, which I served on your</p> <p>6 firm, were to - as well as I can remember, because the</p> <p>7 discovery itself was highly confusing.</p> <p>8 You asked for things and you don't specify</p> <p>9 what you want. It's - basically it was a fishing</p> <p>10 expedition, which is not appropriate. And I wanted the</p> <p>11 Court to be aware that I was attempting to cooperate</p> <p>12 with discovery.</p> <p>13 Q. (BY MR. FISHER) Okay. That was it?</p> <p>14 A. That was it.</p> <p>15 (Exhibit 42 marked.)</p> <p>16 Q. (BY MR. FISHER) All right. I'm going to hand</p> <p>17 you what we've marked as Exhibit 42. And I'll represent</p> <p>18 to you that's only the front page of a pleading in the</p> <p>19 county court case. I'm not concerned about what the</p> <p>20 underlying facts or issues are in that motion. I'm just</p> <p>21 asking you to take a look at the letterhead up on top.</p> <p>22 And this is letterhead in a suit involving</p> <p>23 the clients that we represented, Imperial Lofts, LLC,</p> <p>24 and Imperial Lofts Owner, LLC, as well as Katrina</p> <p>25 Martinez and Mariana Sullivan. And somebody added</p> <p>David Oubre and Lewis, Bischofs, Bisgaard & Smith, LLP.</p>	<p>1 this law firm, as a party to that case. Are you aware</p> <p>2 of that?</p> <p>3 A. Yes, I am.</p> <p>4 Q. Okay. This is a pleading that you signed. If</p> <p>5 you recall?</p> <p>6 A. You're going to have to give me the entire</p> <p>7 pleading because I don't have the entire pleading before</p> <p>8 me.</p> <p>9 Q. We'll go back to it, then. I will get that for</p> <p>10 you.</p> <p>11 MR. BITGOOD: Mr. Fisher, if I could assist</p> <p>12 you, I'll tell you what it was because I filed it.</p> <p>13 MR. FISHER: Go ahead.</p> <p>14 MR. BITGOOD: The pleading was filed on</p> <p>15 9/20 to preserve the objections of Thompson and Coe</p> <p>16 attempting to file an answer after the Court struck the</p> <p>17 client's pleadings. That's all it was. That's why I</p> <p>18 filed it so I could assist.</p> <p>19 Q. (BY MR. FISHER) Okay. Now, going back to this</p> <p>20 exhibit, why was a pleading filed in a case for which</p> <p>21 both the law firm known as Lewis, Bischofs, Bisgaard &</p> <p>22 Smith, LLP and the business that you formed with</p> <p>23 Mr. Bitgood are both plaintiff and defendant with this</p> <p>24 letterhead? Why was that done?</p> <p>25 MR. BITGOOD: Objection to the form. As of</p>
<p>1 9/13, you didn't exist any more in the eyes of the Court.</p> <p>2 MR. FISHER: Doesn't say why.</p> <p>3 A. I wanted to make the Court aware that I would</p> <p>4 be willing to cooperate in proper discovery, but my</p> <p>5 objections to the discovery, which I served on your</p> <p>6 firm, were to - as well as I can remember, because the</p> <p>7 discovery itself was highly confusing.</p> <p>8 You asked for things and you don't specify</p> <p>9 what you want. It's - basically it was a fishing</p> <p>10 expedition, which is not appropriate. And I wanted the</p> <p>11 Court to be aware that I was attempting to cooperate</p> <p>12 with discovery.</p> <p>13 Q. (BY MR. FISHER) Okay. That was it?</p> <p>14 A. That was it.</p> <p>15 (Exhibit 42 marked.)</p> <p>16 Q. (BY MR. FISHER) All right. I'm going to hand</p> <p>17 you what we've marked as Exhibit 42. And I'll represent</p> <p>18 to you that's only the front page of a pleading in the</p> <p>19 county court case. I'm not concerned about what the</p> <p>20 underlying facts or issues are in that motion. I'm just</p> <p>21 asking you to take a look at the letterhead up on top.</p> <p>22 And this is letterhead in a suit involving</p> <p>23 the clients that we represented, Imperial Lofts, LLC,</p> <p>24 and Imperial Lofts Owner, LLC, as well as Katrina</p> <p>25 Martinez and Mariana Sullivan. And somebody added</p> <p>David Oubre and Lewis, Bischofs, Bisgaard & Smith, LLP.</p>	<p>1 Beers and to yourself dated October 11th, 2022, at</p> <p>2 3:18 p.m. And why was this e-mail sent?</p> <p>3 A. It was sent to memorialize that the Secretary</p> <p>4 of State has officially withdrawn the registration of</p> <p>5 the Texas LLP.</p> <p>6 Q. In other words, the LLP that you and</p> <p>7 Mr. Bitgood formed?</p> <p>8 A. The domestic LLP.</p> <p>9 Q. That was formed by you and Mr. Bitgood,</p> <p>10 correct?</p> <p>11 A. That's correct.</p> <p>12 (Exhibit 16 marked.)</p> <p>13 Q. (BY MR. FISHER) I'm going to hand you what</p> <p>14 we've marked as Exhibit 16. And that is an e-mail that</p> <p>15 you sent to Mr. Easton on October 7th. And the subject</p> <p>16 is the June 3rd letter from the Secretary of State. And</p> <p>17 why did you send this e-mail to Mr. Bitgood?</p> <p>18 A. To keep him apprised.</p> <p>19 (Exhibit 18 marked.)</p> <p>20 Q. (BY MR. FISHER) Okay. I'm going to hand you</p> <p>21 what we've marked as Exhibit 18. And that is a copy</p> <p>22 of a pleading that you filed in the federal district</p> <p>23 court. And can you tell me why you filed this?</p> <p>24 MR. BITGOOD: Objection, form. The</p> <p>25 document speaks for itself.</p>

Videotaped Deposition of Susan Norman - Vol. 1

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Phone: 832-930-4484 Fax: 832-930-4485

Infinity Reporting Group, LLC

<p>1 A. Would you say that again?</p> <p>2 MR. FISHER: Can you read that back?</p> <p>3 (Requested portion was read)</p> <p>4 A. That's incorrect.</p> <p>5 Q. (BY MR. FISHER) You testified earlier that you</p> <p>6 knew of this law firm when an answer was filed in March</p> <p>7 of 2022 in a case that involves the Imperial Lofts.</p> <p>8 A. I knew that, yes.</p> <p>9 Q. Okay. And so that was the point of my</p> <p>10 question. That's what I thought I asked is that as of</p> <p>11 June 15th when you referenced Lewis Brisbois as being</p> <p>12 phony, you knew that the law firm Lewis, Brisbois,</p> <p>13 Bisgaard & Smith existed by that time. For at least</p> <p>14 three months you knew that, and yet you filed this</p> <p>15 pleading regardless?</p> <p>16 MR. BRIGOOD: Objection, form.</p> <p>17 A. Objection -</p> <p>18 MR. BRIGOOD: Objection, form. Are we</p> <p>19 having a Rule 13 sanctions hearing?</p> <p>20 A. I'm focusing on the words "voluntarily gave up</p> <p>21 its right to do business in Texas under that name when,</p> <p>22 despite repeated warnings from the Secretary of State</p> <p>23 directed at Oubre and its California office to renew,</p> <p>24 Oubre did nothing, as the Secretary of State allowed him</p> <p>25 to surrender the name and allowed the foreign LLP to</p>	<p>1 Q. Okay.</p> <p>2 A. And again, I have not seen the entire - okay.</p> <p>3 (Exhibit 45 marked)</p> <p>4 Q. (BY MR. FISHER) I'm going to hand you what</p> <p>5 we've marked as Exhibit 45. And I'll represent to you</p> <p>6 that this is a pleading that was filed in Fort Bend</p> <p>7 County, Texas. And if you look at Page 13, it was</p> <p>8 submitted by you and Mr. Bigood.</p> <p>9 A. Well, this document appears as Document 1-5,</p> <p>10 which appears to be Exhibit Number 5 to your original</p> <p>11 petition, but this document has no file stamp showing</p> <p>12 that it was actually filed in Fort Bend County.</p> <p>13 Q. All right. Take a look at Page 9. Tell me</p> <p>14 when you're there.</p> <p>15 A. I am at Page 9.</p> <p>16 Q. Okay. Do you see Footnote 6 at the bottom?</p> <p>17 A. Yes, I do.</p> <p>18 Q. Okay.</p> <p>19 A. Is it your assertion as an officer of the court</p> <p>20 that this was actually filed? Because this has no file</p> <p>21 stamp.</p> <p>22 Q. We'll get you a file stamped copy.</p> <p>23 A. Okay.</p> <p>24 Q. The first sentence says, "By way of clear</p> <p>25 explanation, the phony Lewis Brisbois voluntarily gave</p>
<p>1 up its right to do business in Texas under that name,</p> <p>2 when despite repeated warnings from the Secretary of</p> <p>3 State directed at Oubre and its California office to</p> <p>4 renew, Oubre did nothing, as the Secretary of State</p> <p>5 allowed him to surrender the name and allowed the</p> <p>6 foreign LLP to expire." Do you see those words there?</p> <p>7 A. I do.</p> <p>8 Q. Okay. Now, there was nothing affirmatively</p> <p>9 done to surrender the name "Lewis, Brisbois, Bisgaard &</p> <p>10 Smith" by this law firm, was there?</p> <p>11 A. Oh, I disagree completely.</p> <p>12 MR. BRIGOOD: Objection.</p> <p>13 Q. (BY MR. FISHER) Okay. Now, nevertheless, this</p> <p>14 was filed, according to your certificate of service, on</p> <p>15 June 15th, 2022. You testified earlier that by</p> <p>16 June 9th, you knew that the registration to do business</p> <p>17 in Texas had already been approved, filed, received by</p> <p>18 the Secretary of State's office, correct? That's what</p> <p>19 you testified to?</p> <p>20 A. That's true.</p> <p>21 Q. Okay. And on top of that, you knew that the</p> <p>22 name "Lewis, Brisbois, Bisgaard & Smith" as a law firm</p> <p>23 organized in the state of California existed as of March</p> <p>24 of 2022, three months, easily, before you filed this</p> <p>25 pleading, correct?</p>	<p>1 And yet, there was an attempt made to</p> <p>2 apparently bring you guys back in as representing the</p> <p>3 plaintiffs - or the defendants, pardon me, Sullivan and</p> <p>4 Martinez and the Imperial Lofts, LLC and Imperial Lofts</p> <p>5 Owner from this case when it was - all right. That's</p> <p>6 my explanation for that.</p> <p>7 MR. FISHER: Objection, nonresponsive.</p> <p>8 Q. (BY MR. FISHER) I'm just asking why did you</p> <p>9 file a pleading with what looks to be letterhead using</p> <p>10 the name "Lewis, Brisbois, Bisgaard & Smith LLP?"</p> <p>11 MR. BRIGOOD: Objection to form. Objection</p> <p>12 as to form. There's been no showing she filed that</p> <p>13 pleading. I filed it.</p> <p>14 MR. FISHER: Okay. Once again, your</p> <p>15 objections must be limited to form only, not a whole</p> <p>16 long speaking objection, which is used to catch the</p> <p>17 witness. That's inappropriate and you know that.</p> <p>18 MR. BRIGOOD: You're correct. Mr. Fisher,</p> <p>19 you are correct, but I believe you asked - invited me</p> <p>20 to tell you what this pleading was about and I did. So</p> <p>21 I apologize if it's an improper objection.</p> <p>22 MR. FISHER: It is.</p> <p>23 Q. (BY MR. FISHER) Now, do you know why this</p> <p>24 letterhead was used?</p> <p>25 A. No.</p>

Video Deposition of Susan Norman - Vol. 1

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Susan Norman - Vol. 1

<p>1 expire thereby allowing the domestic LLP to be formed, 2 registered, and approved by the Texas Secretary of 3 State." 4 I'm referencing the fact that as of March 5 the 9th, 2022, that's a true statement. It's a true 6 statement of multiple warnings, multiple - I think two 7 or even three voluntary relinquishments by inaction by 8 the California LLP. This doesn't say after June 9th. 9 It was filed on June 15th, but the facts of 10 this footnote were true as of - as of the time that the 11 Texas LLP was filed. 12 Q. (BY MR. FISHER) Do you understand or do you - 13 can you agree that there's a difference between 14 authority to do business in the state of Texas and use 15 of a name in accordance with the Lanham Act, the federal 16 trademark law? 17 A. Well, here's the problem also. You had no 18 trademark filed as of March the 9th, 2022 because your 19 trademark had expired ten years before. 20 Q. I don't think that that's the conclusion of the 21 Court. 22 A. Well - 23 Q. And I think you know that because you were on 24 the phone when Judge Ellison stated clearly that our 25 name has acquired secondary meaning.</p>	82	<p>1 And I could be wrong on the ten years, but 2 I have the date, at some point. And it's been on file 3 in this case. 4 (Exhibit 48 marked.) 5 Q. (BY MR. FISHER) I'm going to hand you what 6 we've marked as Exhibit 48. It's also reference to this 7 LBBS Bates label 000019, 000020, 000021, and ask you if 8 you have seen this e-mail before. 9 A. It's an e-mail sent Friday, September 23rd. 10 I've seen this before. Yes, I have. 11 Q. Okay. Do you know what was meant by, "This 12 should 'cool' Jana Lubert's 'jets' until I can get to 13 'little' Billy Helfand and Bennet Fisher next week?" 14 A. No, sir, I do not. 15 Q. Okay. Do you know what - and you never asked 16 Mr. Bitgood what he meant by this? 17 A. No, sir, I did not. 18 Q. Okay. And then it goes on to say, "No possible 19 name confusion at all. We are not that incompetent. 20 All they have to do is like 'Doc Holiday' said in 21 'Tombstone': 'Say when' - 22 MR. BITGOOD: Say when. 23 Q. (BY MR. FISHER) - "and say otherwise, thereby 24 holding open the door in court for me to put on evidence 25 to the contrary." Do you know what that means?</p>	84
<p>1 A. That's true. 2 Q. You heard that? 3 A. That's true, but that's what the judge said 4 October the 6th, 2022. And as of September the 23rd, 5 this firm knew that it had no trademark protected by the 6 U.S. Patent and Trademark Office. And yet, it filed the 7 petition and used the expired trademark as - I forget 8 what exhibit number it is. 9 And then on the 29th of September, your - 10 I guess it's your trademark lawyer in California 11 hurriedly filed a request to - application for that 12 trade - for that name. So as of March, without 13 considering the doctrine of secondary usage, you had - 14 this firm had no trademark for the four-name trademark 15 Lewis, Brisbois, Bisgaard & Smith, LLP, not excluding, 16 so - 17 Q. Are you not confusing registered mark with 18 common law mark? 19 A. I am not confusing anything. I am saying what 20 was available from the U.S. Patent and Trademark Office, 21 which I've filed the - and I forget what document it 22 is. I have filed the confirmation by the USPTO patent 23 and trademark office that there was no four-name 24 trademark filed because it had been cancelled ten years 25 before.</p>	83	<p>1 A. No, sir, I do not. 2 Q. You didn't ask Mr. Bitgood what he meant by 3 that? 4 A. No, sir, I did not. 5 Q. Okay. Then he says, "Don't be a daisy/ Bennet 6 and Billy," referring to me and Bill Helfand? 7 A. I see those words. 8 Q. What are you reading? 9 A. I'm sorry? I'm using my magnifier. It's so 10 small I can't see. 11 Q. Okay. What did he mean by don't be a daisy 12 Bennet and Billy? 13 A. I have no idea. 14 Q. You never asked him? 15 A. No, sir. 16 Q. Okay. Now, the next page is a picture of what 17 looks to be a cannon. Do you see that? 18 A. Are you talking about - 19 Q. The next page of the exhibit, Page 20. 20 A. I see that. 21 Q. Okay. "A message for David Oubre, Bill 22 Helfand, Bennet Fisher & Jana Lubert of 'Lewis & Bobo', 23 a California foreign LLP." 24 A. I see that page. 25 Q. Okay. And it says "Come and take it." Do you</p>	85

Infinity Reporting Group, LLC
Phone: 832-930-4484 Fax: 832-930-4485

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Phone: 832-930-4484 Fax: 832-930-4485

Infinity Reporting Group, LLC

<p>1 stop using the name Lewis, Briscoe, Bigard & Smith. 2 A. You did ask me that, and eight days later we 3 stopped. 4 MR. BIGOOD: Uh-huh. 5 Q. (BY MR. FISHER) Let's take a look now at 6 Exhibit 49. 7 (Exhibit 49 marked.) 8 Q. (BY MR. FISHER) I've handed you what we've 9 marked as Exhibit 49 and - 10 A. I see it. 11 Q. I'm sure you've seen that letter before. It 12 was written by you to me on September 29th, correct? 13 A. That's correct. 14 Q. All right. Now, after first complaining that I 15 addressed you as Sue or Susan, you go into great detail 16 to explain why you thought it was okay to use our name. 17 right? 18 MR. BIGOOD: Objection to the term - 19 objection to form. 20 A. Mr. Fisher, the letter speaks for itself. 21 Objection, form. 22 Q. (BY MR. FISHER) Okay. All right. We're going 23 to take about a 10- or 15-minute break, and to the 24 extent that the documents were either incomplete or 25 didn't show the stamps, I'm going to get those</p>	<p>1 Mr. Bigood. She can testify as to what she knows. 2 MR. FISHER: Thank you for that, but please 3 limit your objections to form only. 4 MR. BIGOOD: Objection to form, then. 5 Bennett. 6 A. I can tell you that I went to the A.A. White 7 Dispute Resolution Center and was allowed to participate 8 in the mediation course and graduate or complete it. 9 Q. (BY MR. FISHER) All right. So - but are you 10 certified by any agency organization? 11 A. No, sir. 12 (Exhibit 57 marked.) 13 Q. (BY MR. FISHER) Okay. And I'm going to hand 14 you what we've marked as Exhibit 57. I'll represent to 15 you that that is a copy of a letter that I wrote to you 16 in September asking you to please stop using the name of 17 this law firm. Do you recall that? 18 A. I see this is a letter dated September the 19 28th, 2022. And after your law firm was found not to be 20 authorized to represent the defendants in the case 21 against Fort Bend County, you sent this letter. 22 Q. Okay. I don't really know what you're talking 23 about in Fort Bend County, but I'm talking about your 24 use of the name of our firm in this letter, did I not? 25 A. Well -</p>
<p>1 MR. BIGOOD: Objection, form. Assumes 2 facts not in evidence. 3 A. I'm going to object to form also because this 4 entire lawsuit was brought in relation to the judgments 5 and the findings of the Court in Fort Bend County. And 6 your own partner, William Heiland, talked about it on 7 the record as being in relation to this - the state 8 court lawsuit. So the state court lawsuit is 9 22-CV-070378. 10 Q. (BY MR. FISHER) Okay. I don't reference any 11 lawsuit in this letter, do I? 12 A. No, sir. I'm not surprised. 13 Q. Well, I didn't participate in that lawsuit, did 14 I? 15 A. Well, you're a partner in the firm that did, so 16 you may not personally have made an appearance for the 17 firm, but your firm that you reference, the firm of 18 which you are a partner, participated. So you cannot 19 say that the global you did not participate. At least 20 that's my opinion. 21 Q. Okay. But this letter was a little bit more 22 personal, though, was it not? I referenced our 30 years 23 of knowing one another as colleagues, co-counsel, and 24 friends, right? I didn't - I didn't talk about any 25 other lawsuit in particular, but I just asked that you</p>	<p>1 know what that that means? 2 A. No, sir, I don't. 3 Q. Okay. Where did you grow up? 4 A. All over the world. 5 Q. Okay. In Texas at all? 6 A. No. 7 Q. Okay. Is this kind of a Texas thing, this 8 cannot? 9 A. Deep in the recesses of my mind, I believe it 10 is, but I couldn't tell you for sure. 11 Q. Okay. Is it - does it have something to do 12 with the Alamo? 13 A. I don't know. 14 Q. I don't either. I mean, I didn't grow up here. 15 And now on Page 21 - 16 A. Well, this is actually Page 3 of 3, is that 17 what you're talking about? 18 Q. Yeah, but I'm looking at Bates Number 000021. 19 A. Yes, sir. 20 Q. Okay. Is that a copy of the business card for 21 Mr. Bigood? 22 A. It appears to be. 23 Q. Okay. And who certified Mr. Bigood as a 24 mediator or yourself? 25 MR. BIGOOD: Objection to form as to</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Susan Norman - Vol. 1

<p>1 documents.</p> <p>2 A. Okay. I've got -</p> <p>3 MR. BITGOOD: She has to - wait a minute.</p> <p>4 Wait. She has to leave at 3 o'clock.</p> <p>5 MR. FISHER: All right. Let's - let's</p> <p>6 adjourn the deposition and we'll meet back here at a</p> <p>7 mutually convenient day and time and complete the</p> <p>8 examination. And thank you for coming.</p> <p>9 THE VIDEOGRAPHER: Off the record at 3</p> <p>10 o'clock p.m.</p> <p>11 (Deposition concluded at 3:00 p.m.)</p>	90	<p>1 I, SUSAN C. NORMAN, have read the foregoing</p> <p>2 deposition and hereby affix my signature that same is</p> <p>3 true and correct, except as noted above.</p> <p>4</p> <p>5 _____</p> <p>6 SUSAN C. NORMAN</p> <p>7</p> <p>8</p> <p>9 THE STATE OF _____)</p> <p>10 COUNTY OF _____)</p> <p>11</p> <p>12 Before me, _____, on</p> <p>13 this day personally appeared SUSAN C. NORMAN, known to</p> <p>14 me (or proved to me under oath or through</p> <p>15 _____) (description of identity</p> <p>16 card or other document)) to be the person whose name is</p> <p>17 subscribed to the foregoing instrument and acknowledged</p> <p>18 to me that they executed the same for the purposes and</p> <p>19 consideration therein expressed.</p> <p>20 Given under my hand and seal of office this</p> <p>21 _____ day of _____, _____.</p> <p>22</p> <p>23</p> <p>24 _____</p> <p>25 NOTARY PUBLIC IN AND FOR</p> <p>THE STATE OF _____</p> <p>COMMISSION EXPIRES: _____</p>	92
<p>1 CHANGES AND SIGNATURE</p> <p>2 WITNESS NAME: SUSAN C. NORMAN DATE: JULY 26, 2023</p> <p>3 PAGE LINE CHANGE REASON</p> <p>4 _____</p> <p>5 _____</p> <p>6 _____</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p> <p>22 _____</p> <p>23 _____</p> <p>24 _____</p> <p>25 _____</p>	91	<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE SOUTHERN DISTRICT OF TEXAS</p> <p>3 HOUSTON DIVISION</p> <p>4 LEWIS, BRISBOIS, BISGAARD)</p> <p>5 & SMITH, LLP,)</p> <p>6)</p> <p>7 PLAINTIFF,) CIVIL ACTION NO:</p> <p>8) 4:22-CV-3279</p> <p>9 VS.)</p> <p>10)</p> <p>11 MICHAEL JOSEPH BITGOOD)</p> <p>12 a/k/a "MICHAEL EASTON," ET)</p> <p>13 AL,)</p> <p>14)</p> <p>15 DEFENDANTS.)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	93

Infinity Reporting Group, LLC
Phone: 832-930-4484 Fax: 832-930-4485

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Susan Norman - Vol. 1

<p>1 Signature Page contains any changes and the reasons 2 therefor; 3 ____ was not requested by the deponent or a party 4 before the completion of the deposition. 5 I further certify that I am neither counsel for, 6 related to, nor employed by any of the parties or 7 attorneys in the action in which this proceeding was 8 taken. Further, I am not a relative or employee of any 9 attorney of record in this cause, nor am I financially 10 or otherwise interested in the outcome of the action. 11 Certified to by me this 21st day of July, 2023. 12 13 14 15 Allison Garrett, Texas CSR 8329 Expiration Date: 4/30/2025 Infinity Reporting Group 16 11200 Richmond Avenue Suite 410 17 Houston, Texas 77082 (832) 930-4484 18 19 20 21 22 23 24 25</p>	<p>94</p>

Infinity Reporting Group, LLC
Phone: 832-930-4484 Fax: 832-930-4485

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LEWIS, BRISBOIS, BISGAARD)
& SMITH, LLP,)
PLAINTIFF,) CIVIL ACTION NO:
VS.) 4:22-CV-3279
MICHAEL JOSEPH BITGOOD)
a/k/a "MICHAEL EASTON," ET)
AL,)
DEFENDANTS.)

ORAL AND VIDEOTAPED DEPOSITION OF
SUSAN C. NORMAN
August 16, 2023
VOLUME 2 OF 2

ORAL DEPOSITION OF SUSAN C. NORMAN, produced as a
witness at the instance of the PLAINTIFF, and duly
sworn, was taken in the above-styled and numbered cause
on August 16, 2023 from 10:14 a.m. to 2:52 p.m., before
Allison Garrett, CSR in and for the State of Texas,
reported by machine shorthand, at Lewis, Brisbois,
Bisgaard & Smith, 24 Greenway Plaza, Suite 1400,
Houston, Texas 77046, pursuant to the Federal Rules of
Civil Procedure and the provisions stated on the record
or attached hereto.

Infinity Reporting Group, LLC
Phone: 832-930-4484 Fax: 832-930-4485

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 SUSAN NORMAN, 2 having been first duly sworn, testified as follows: 3 EXAMINATION 4 BY MR. FISHER: 5 Q. Once again, Ms. Norman, please state your full 6 name for the record. 7 A. Susan Norman. 8 Q. Ms. Norman, when did you first realize that 9 holding yourself and Mr. Bitgood out as members of an 10 entity named Lewis, Brisbois, Bisgaard & Smith, LLP was 11 wrongful? 12 MR. DUNWOODY: Object to form. 13 MR. BITGOOD: Objection, assumes a fact not 14 in evidence. 15 A. I don't think it was wrongful. 16 Q. (BY MR. FISHER) Okay. And through a 17 partnership that you formed with Mr. Bitgood, did you 18 hold yourself out as a member of and vice president of 19 Lewis, Brisbois, Bisgaard & Smith, LLP? 20 A. If you add the Texas entity, yes. 21 Q. Was the words "Texas entity" ever in the name 22 of your partnership known as Lewis, Brisbois, Bisgaard & 23 Smith, LLP? 24 A. I believe it was on the State of Texas 25 Secretary of State website, but this differentiates it</p>	<p>6 1 today, I believe so, yes. 2 Q. (BY MR. FISHER) Okay. Well, I'm going to show 3 you a couple of documents and you can tell me whether 4 you still will maintain that answer. Okay? 5 A. I am not maintaining that every document filed 6 or used was that, but you didn't ask me if it was every, 7 so I don't -- 8 Q. No, I said did you ever -- 9 A. Did I ever, yeah. 10 Q. Okay. 11 A. Okay. 12 Q. So let me change it a little bit and say did 13 you always include the words "a Texas entity" or a 14 domestic partnership every time you used the name Lewis, 15 Brisbois, Bisgaard & Smith, LLP? 16 MR. BITGOOD: Object to the form of the 17 question. 18 A. I object to the form of the question also, but 19 sitting here -- 20 Q. (BY MR. FISHER) What's the basis of your 21 objection? 22 A. The objection is I am not sure. Okay. I am 23 not going to testify that every instance of my use of 24 that name included Texas entity. Sitting here today, I 25 do not remember.</p>
<p>7 1 from the foreign LLP, which lost its right to do 2 business in Texas as opposed to our domestic LLP. 3 MR. FISHER: Objection, nonresponsive. 4 Q. (BY MR. FISHER) I'm asking you if you ever 5 held yourself out -- in fact, I'm going to ask Allison 6 to repeat the question. I just want an answer to that 7 narrow question. And it relates to whether the words "a 8 Texas entity" were ever in the title. 9 MR. BITGOOD: Objection, vague. Title of 10 what? A movie? Stationary? A business card? 11 (Requested portion was read.) 12 A. It was designated as a Texas domestic entity on 13 the Secretary of State Texas website. 14 Q. (BY MR. FISHER) Right. I understand that 15 you're -- that that's your answer, but did you ever use, 16 when you used the name, when you filed something, when 17 you sent the letter, when you sent correspondence, did 18 you ever use the name or the words "a Texas entity" in 19 the name Lewis, Brisbois, Bisgaard & Smith, LLP that you 20 claimed as your partnership? 21 MR. DUNWOODY: Object to form. 22 A. I -- I believe so with -- you're using the 23 words domestic -- "Texas domestic" or "Texas LLP." I 24 would have to look back at every filing and every 25 communication sent to be fully sure, but sitting here</p>	<p>8 1 Q. All right. I'm going to hand you a document 2 that was filed by you on October 10th, 2022, in the 3 Southern District of Texas. It's listed as Document 8, 4 and the band at the top says "Case 4:22-cv-03279." 5 And this is -- this appears to be a letter 6 to Judge Ellison with -- at the top letterhead that says 7 Lewis, Brisbois, Bisgaard & Smith, LLP, but it has your 8 name and Mr. Bitgood's name on there. 9 MR. BITGOOD: What exhibit is that, 10 Mr. Fisher? 11 MR. FISHER: It's not an exhibit. 12 Q. (BY MR. FISHER) I'm going to ask you if you 13 recognize that. 14 MR. BITGOOD: Do you mind telling us what 15 it is, sir? 16 MR. FISHER: I just did. 17 THE WITNESS: It's a letter dated 18 October 5th, 2022, Lewis, Brisbois, Bisgaard & Smith, 19 LLP with 503 FM 359-130, Suite 216, Richmond, Texas, 20 mediations and arbitrations. And it is a letter that he 21 says that I filed. I can't tell that to be correct, but 22 it was signed by Michael Joseph Bitgood a/k/a Michael 23 Easton. 24 Q. (BY MR. FISHER) He's your partner, isn't he? 25 Or was he?</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 A. He was.</p> <p>2 Q. Okay. It was a general partnership, was it</p> <p>3 not?</p> <p>4 A. This was an LLP.</p> <p>5 Q. No, ma'am, it wasn't. And I showed you last</p> <p>6 week what the filing was.</p> <p>7 MR. BITGOOD: Objection, argumentative.</p> <p>8 Q. (BY MR. FISHER) As a general partnership --</p> <p>9 MR. BITGOOD: And don't argue with the</p> <p>10 witness.</p> <p>11 Q. (BY MR. FISHER) -- I'm going to remind you of</p> <p>12 your testimony last week when I showed you a document</p> <p>13 that this entity was not an LLP. In fact, it was a</p> <p>14 general partnership.</p> <p>15 MR. DUNWOODY: Object to form.</p> <p>16 A. I am not --</p> <p>17 Q. (BY MR. FISHER) Do you need me to show you</p> <p>18 that exhibit again?</p> <p>19 A. No, you don't need to. I am not necessarily</p> <p>20 arguing with you. This is what was filed and this is</p> <p>21 how it was filed, so that was filed.</p> <p>22 Q. All right.</p> <p>23 A. I -- if you're saying that I filed this, I</p> <p>24 don't know that to be correct, but I do know that it was</p> <p>25 signed by Michael Joseph Bitgood a/k/a Michael Easton.</p>	<p>10</p>	<p>1 Q. Okay. And can you tell the Court what that</p> <p>2 document is?</p> <p>3 A. It is Document Number 8 filed on October the</p> <p>4 5th, 2022 in Case Number 4:22-cv-03279. It is a</p> <p>5 nine-page letter/pleading sent to the honorable Keith P.</p> <p>6 Ellison and it's signed Michael Joseph Bitgood a/k/a</p> <p>7 Michael Easton.</p> <p>8 Q. All right. When's the first time you saw this</p> <p>9 document?</p> <p>10 A. I would say probably October the 5th.</p> <p>11 Q. And did you see it before it was filed or</p> <p>12 after?</p> <p>13 A. I don't recall.</p> <p>14 Q. Okay. And the letterhead at the top of this</p> <p>15 document says "Lewis, Brisbois, Bisgaard & Smith, LLP,"</p> <p>16 correct?</p> <p>17 A. That is what it says.</p> <p>18 Q. And that is the same as the name of the firm</p> <p>19 which we're sitting in today, correct?</p> <p>20 A. It is the same name as the California entity,</p> <p>21 yes, sir.</p> <p>22 Q. Okay. And it's also the same name as the name</p> <p>23 of the law firm whose office we are sitting in today,</p> <p>24 correct?</p> <p>25 A. That is correct.</p>	<p>12</p>
<p>1 What exhibit number is that?</p> <p>2 Q. I'm going to make this Exhibit 59 because I'm</p> <p>3 not sure whether we have it or not.</p> <p>4 MR. DUNWOODY: Do you have copies?</p> <p>5 MR. FISHER: We're going to make copies</p> <p>6 right now because I'm not sure that I got it or not, so</p> <p>7 just out of an abundance of caution, we're going to take</p> <p>8 a short break and I'm going to make copies right now for</p> <p>9 everybody. And I'll have it scanned and sent to</p> <p>10 Mr. Easton as well. This is a pleading that should</p> <p>11 be --</p> <p>12 MR. BITGOOD: Thank you.</p> <p>13 MR. FISHER: It's Pleading Number 8 or it's</p> <p>14 Docket Number 8. All right. Let's take a quick break.</p> <p>15 I'm going to get copies or everybody.</p> <p>16 THE VIDEOGRAPHER: We are going off the</p> <p>17 record. The time is 10:23.</p> <p>18 (Break taken from 10:23 a.m. to 10:34 a.m.)</p> <p>19 (Exhibit 67 marked.)</p> <p>20 THE VIDEOGRAPHER: Going on the record.</p> <p>21 The time is 10:34.</p> <p>22 Q. (BY MR. FISHER) All right. Ms. Norman, I've</p> <p>23 handed you what we have now marked as Exhibit 67; is</p> <p>24 that correct?</p> <p>25 A. Yes, sir.</p>	<p>11</p>	<p>1 (Exhibit 42 marked.)</p> <p>2 Q. (BY MR. FISHER) All right. And I'm going to</p> <p>3 hand you Exhibit 42. Oh, by the way, let's go back to</p> <p>4 Exhibit 67 real quick. Do you remember --</p> <p>5 MR. BITGOOD: I don't have an Exhibit 67.</p> <p>6 MR. FISHER: You'll get it. This is</p> <p>7 Document 8 in the federal district court lawsuit known</p> <p>8 as 4:22-cv-03279.</p> <p>9 Q. (BY MR. FISHER) Ms. Norman, did you ever have</p> <p>10 a discussion with Mr. Bitgood about this document?</p> <p>11 A. Well --</p> <p>12 MR. BITGOOD: When you say we'll have it,</p> <p>13 what document are you talking about, sir?</p> <p>14 THE WITNESS: It is what was previously</p> <p>15 marked as Exhibit 59, which is Document Number 8, the</p> <p>16 October 5th letter pleading.</p> <p>17 MR. BITGOOD: Okay. Okay. Now I know what</p> <p>18 it is.</p> <p>19 Q. (BY MR. FISHER) All right. Did you ever have</p> <p>20 a conversation or discussion with Mr. Bitgood about this</p> <p>21 document?</p> <p>22 A. I will have to --</p> <p>23 MR. BITGOOD: Objection, form.</p> <p>24 A. -- decline on the basis of attorney/client</p> <p>25 privilege.</p>	<p>13</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 Q. (BY MR. FISHER) Okay. So you're claiming now 2 that Mr. Bitgood is your client? 3 A. No, sir. I'm claiming that the Texas entity -- 4 I represented the Texas entity. 5 Q. I didn't ask about the entity. I asked if you 6 had a conversation about the pleading that was filed, a 7 conversation with Mr. Bitgood? 8 A. Well, since he's the -- 9 MR. BITGOOD: Objection, form. 10 A. Objection, attorney/client privilege. 11 Q. (BY MR. FISHER) You're refusing to answer that 12 question? 13 A. I am declining to answer that question. 14 Q. Okay. Did you -- did you tell Mr. Bitgood that 15 filing this document in a Lanham Act case was a bad 16 idea? 17 MR. BITGOOD: Objection to form. 18 MR. FISHER: I'll withdraw it. 19 MR. BITGOOD: Assumes facts not in 20 evidence. 21 Q. (BY MR. FISHER) Did you -- did you ever tell 22 him that filing this pleading with the letterhead Lewis, 23 Brisbois, Bisgaard & Smith, LLP was a bad idea? 24 MR. BITGOOD: Objection, form. 25 A. I don't believe that as of October the 5th that</p>	<p>14 1 law firm, are you? 2 MR. FISHER: It's not my turn to give 3 answers to your questions, Mr. Bitgood. 4 MR. BITGOOD: Okay. Fair enough. 5 MR. FISHER: If you want to take my 6 deposition, that's another story. 7 A. Okay. I will refer you to Document 60-1 filed 8 November 2nd -- excuse me, filed November 28th, 2022, in 9 Cause Number 4:22-cv-03279 as Exhibit C, which has 10 already been admitted as evidence in this case. It is 11 the findings of fact and conclusions of law of Judge 12 Lewis White signed on September 27th, 2022, so -- 13 Q. (BY MR. FISHER) Were those the same findings 14 of fact and conclusions of law in a proceeding that is 15 under appeal? 16 MR. BITGOOD: Objection, assumes a fact not 17 in evidence. 18 MR. FISHER: I'm asking a question. 19 MR. BITGOOD: And I'm making an objection 20 whether you like it or not. 21 MR. FISHER: Just object to form. We've 22 had this conversation before. You know the rules. 23 MR. BITGOOD: Yes, I know Bennett. You 24 want to be the judge and the plaintiff. I get it. 25 A. Mr. Fisher, the findings of fact and</p>
<p>15 1 I would have considered that to be a discussionable item 2 with Mr. Bitgood. 3 Q. Why not? 4 A. Simply because I didn't. 5 Q. Why didn't you think it was a discussionable 6 item with Mr. Bitgood? 7 MR. BITGOOD: Objection, form. 8 A. Sitting here almost a year since, I don't 9 recall that I would have thought on October the 5th -- 10 5th that I needed to have that discussion. I don't know 11 if I did or not. I don't recall whether I even thought 12 it or not, so no, I can't tell you that. I can't answer 13 that. 14 Q. All right. Well, sitting here today, do you 15 see that filing a pleading with the name Lewis, 16 Brisbois, Bisgaard & Smith, LLP with the Court holding 17 yourselves out as a member of an organization known as 18 Lewis, Brisbois, Bisgaard & Smith, LLP was a bad idea? 19 MR. DUNWOODY: Objection, form. 20 A. No, sir. 21 MR. BITGOOD: Objection, assumes a fact not 22 in evidence. 23 A. And if I -- 24 MR. BITGOOD: Mr. Fisher, you're not 25 suggesting we would say that we're associated with your</p>	<p>17 1 conclusions of law are not under appeal by your firm 2 because your firm was disqualified. The pleadings were 3 struck, so I have to take issue with your -- there is an 4 appeal, but -- 5 Q. (BY MR. FISHER) And there is a motion for 6 reconsideration of that ruling, correct? 7 MR. BITGOOD: Objection, form. 8 A. To the extent that you believe there's one 9 pending, you may believe that. 10 (Exhibit 43 marked.) 11 Q. (BY MR. FISHER) All right. Then we'll move 12 on. I'm going to hand you what we've already -- I 13 believe we've already been over this. This is 14 Exhibit 43. And I'll ask you to identify this document 15 for the record. 16 A. It was document registration of a limited 17 liability partnership filed in the Texas -- with the 18 Texas Secretary of State. 19 Q. And that's the name of the form, correct? 20 A. Registration of a limited liability 21 partnership, yes, sir. 22 Q. Okay. Now go down to Line 2. 23 A. Yes, sir. 24 Q. And read that out loud, please. 25 A. As filled in, it says the partnership is a</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 general partnership.</p> <p>2 Q. Right. And that was what was filed with the</p> <p>3 Secretary of State of Texas on September -- let's see.</p> <p>4 I'm sorry --</p> <p>5 A. May 26th.</p> <p>6 Q. May 26th, 2022?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Okay. And that was -- that was what formed</p> <p>9 this partnership by you and Mr. Bitgood known as Lewis,</p> <p>10 Brisbois, Bisgaard & Smith, LLP, correct?</p> <p>11 MR. DUNWOODY: Object to form.</p> <p>12 MR. BITGOOD: Objection, form. The</p> <p>13 document speaks for itself, Mr. Fisher.</p> <p>14 MR. FISHER: Mr. Dunwoody, what's your</p> <p>15 objection?</p> <p>16 MR. DUNWOODY: Your question assumes that</p> <p>17 this formed the partnership, also asks for a legal</p> <p>18 conclusion.</p> <p>19 THE WITNESS: I'm sorry. I couldn't hear</p> <p>20 Mr. Dunwoody.</p> <p>21 MR. FISHER: Yeah, I asked that of a lawyer</p> <p>22 and a partner.</p> <p>23 MR. DUNWOODY: Okay.</p> <p>24 Q. (BY MR. FISHER) All right. Ms. Norman, does</p> <p>25 that refresh your recollection that this was formed as a</p>	<p>18</p> <p>1 will testify there.</p> <p>2 Q. Okay. All right. Now let's go to Exhibit 42.</p> <p>3 And would you agree with me that this is also a</p> <p>4 pleading, but one that's been filed in the Fort Bend</p> <p>5 County Court At Law Number 3, not in federal court?</p> <p>6 A. Would you like to hand me Exhibit 42?</p> <p>7 Q. I'm sorry. I thought you had it. There you</p> <p>8 go.</p> <p>9 A. Thank you.</p> <p>10 MR. BITGOOD: That's the cover page.</p> <p>11 A. Right. It was filed August 22nd, 2022,</p> <p>12 plaintiff's soft objections/motion to strike defendant</p> <p>13 -- to strike defendant's, quote, original, quote, answer</p> <p>14 filed on 9/21/2022.</p> <p>15 Q. (BY MR. FISHER) Okay. Now, and that was filed</p> <p>16 on September 22nd, correct?</p> <p>17 A. Yes, it was.</p> <p>18 Q. All right. And also the letterhead at the top</p> <p>19 for which this was filed is Lewis, Brisbois, Bisgaard &</p> <p>20 Smith, LLP, correct?</p> <p>21 A. Yes, with a Richmond, Texas address, yes, sir.</p> <p>22 Q. So this is the entity that you held yourself</p> <p>23 out as, correct?</p> <p>24 A. Yes, sir.</p> <p>25 Q. All right.</p>
<p>19</p> <p>1 general partnership?</p> <p>2 MR. DUNWOODY: Same objection.</p> <p>3 A. Objection, form. It refreshes my recollection</p> <p>4 as to that is what this document says.</p> <p>5 Q. (BY MR. FISHER) Okay. Well, if it's a limited</p> <p>6 liability partnership, then who are the general partners</p> <p>7 or who is the general partner?</p> <p>8 MR. DUNWOODY: Object to form.</p> <p>9 A. It's not stated on here.</p> <p>10 Q. (BY MR. FISHER) I'm asking you if it's a</p> <p>11 limited liability partnership, there must be general --</p> <p>12 at least one general partner and at least one limited</p> <p>13 partner, correct?</p> <p>14 MR. DUNWOODY: Object to form.</p> <p>15 A. Is that your -- is that your testimony?</p> <p>16 Q. (BY MR. FISHER) I'm asking you a question as</p> <p>17 somebody who's been practicing law for 20 or so years.</p> <p>18 MR. DUNWOODY: Object to form.</p> <p>19 A. This is not an area of law that I --</p> <p>20 Q. (BY MR. FISHER) 30 years. I'm sorry.</p> <p>21 A. 30 years. 32 years, maybe. This is not an</p> <p>22 area of the law that I regularly practice in. Just like</p> <p>23 Indian tribal law, if I had a client come to me on an</p> <p>24 Indian tribal question, I would have to research that.</p> <p>25 I would have to look at it. So it says what it says. I</p>	<p>21</p> <p>1 A. I will also point out to you that on the</p> <p>2 signature page, counsel for Richard P. Jones and Lewis,</p> <p>3 Brisbois, Bisgaard & Smith under my name, LLP, a Texas</p> <p>4 domestic LLP.</p> <p>5 Q. Right. But I'm talking about the letterhead</p> <p>6 right at the top.</p> <p>7 A. Yes, sir.</p> <p>8 Q. The first thing you see on the form.</p> <p>9 A. Yes, it is.</p> <p>10 Q. And that is exactly the same name as the law</p> <p>11 firm whose office you're sitting in right now, correct?</p> <p>12 A. It is the same name of the foreign entity whose</p> <p>13 office I am sitting in.</p> <p>14 MR. FISHER: Objection, nonresponsive.</p> <p>15 Q. (BY MR. FISHER) Please just answer the</p> <p>16 questions.</p> <p>17 A. I am answering the question.</p> <p>18 Q. It is the same name as the law firm Lewis,</p> <p>19 Brisbois, Bisgaard & Smith, LLP whose office you're</p> <p>20 sitting in right now, correct? Yes or no?</p> <p>21 A. It is the same name as the law firm who -- this</p> <p>22 was filed September 22nd, and it's the same name as the</p> <p>23 law firm which was confirmed by the judge on</p> <p>24 September 13th did not have the authority to appear in</p> <p>25 Texas. I will refer you to the findings of fact and</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 conclusions of law. So it's the same law firm.</p> <p>2 Q. It's the same law firm that you're sitting in</p> <p>3 right now, whose office you're sitting in right now,</p> <p>4 correct?</p> <p>5 A. That's correct.</p> <p>6 Q. Thank you. Ms. Norman, do you carry legal</p> <p>7 malpractice insurance?</p> <p>8 A. I do not.</p> <p>9 MR. BITGOOD: Objection, form. She was not</p> <p>10 deferring that she has to worry about legal malpractice.</p> <p>11 MR. FISHER: Please confine your</p> <p>12 objections --</p> <p>13 MR. BITGOOD: I said objection, form,</p> <p>14 Mr. Fisher.</p> <p>15 MR. FISHER: Then that's all you should be</p> <p>16 saying.</p> <p>17 Q. (BY MR. FISHER) Have you ever carried legal</p> <p>18 malpractice insurance?</p> <p>19 A. No, sir.</p> <p>20 Q. Do you have homeowner's insurance?</p> <p>21 MR. BITGOOD: Objection, form.</p> <p>22 A. I'm going to object because I don't think it's</p> <p>23 relevant, so I'm not going to answer that question.</p> <p>24 Q. (BY MR. FISHER) You're refusing to answer that</p> <p>25 question?</p>	22	<p>1 Q. Okay. How long have you known Brad Beers?</p> <p>2 A. I don't know, 12/13 years.</p> <p>3 Q. Okay. Can you tell me why he's involved in the</p> <p>4 formation of your partnership with Mr. Bitgood known as</p> <p>5 Lewis, Brisbois, Bisgaard & Smith, LLP?</p> <p>6 MR. DUNWOODY: Object to form.</p> <p>7 A. Objection, form. No, I can't tell you.</p> <p>8 Q. (BY MR. FISHER) Okay. Did you ask him to get</p> <p>9 involved or did Mr. Easton or you don't know how he's</p> <p>10 involved?</p> <p>11 A. I did not ask him to get involved.</p> <p>12 Q. Okay. Have you paid him for any legal</p> <p>13 services?</p> <p>14 A. Objection, form. No.</p> <p>15 Q. Do you know if Mr. Bitgood has paid Mr. Beers</p> <p>16 or Mr. Beers's firm for any legal services?</p> <p>17 A. I have no idea.</p> <p>18 MR. BITGOOD: Objection, form.</p> <p>19 Q. (BY MR. FISHER) Can you tell me why Mr. Beers</p> <p>20 performed legal services for the partnership that you</p> <p>21 formed with Mr. Bitgood known as Lewis, Brisbois,</p> <p>22 Bisgaard & Smith, LLP?</p> <p>23 A. Objection, form. No.</p> <p>24 Q. Okay. What's the matter with the question?</p> <p>25 A. How would I know that? I don't know that.</p>	24
<p>1 A. I am.</p> <p>2 Q. Do you have an umbrella insurance policy?</p> <p>3 MR. BITGOOD: Objection, form.</p> <p>4 A. Objection, form. I'm declining to answer that</p> <p>5 question, but, actually, objection, form. It's not</p> <p>6 relevant. The answer is no.</p> <p>7 Q. (BY MR. FISHER) Okay. Well, it's a</p> <p>8 deposition, so relevancy objections really aren't</p> <p>9 appropriate.</p> <p>10 A. I disagree, but go ahead.</p> <p>11 Q. Are you still going to refuse to answer?</p> <p>12 MR. BITGOOD: She just answered. She said</p> <p>13 no.</p> <p>14 A. I said no.</p> <p>15 MR. FISHER: Mr. Bitgood, please don't</p> <p>16 interrupt and please don't act like the attorney for</p> <p>17 Ms. Norman. You're not an attorney and you're certainly</p> <p>18 not Ms. Norman's attorney. She doesn't need your help.</p> <p>19 MR. BITGOOD: She's not getting any help,</p> <p>20 counselor. I have a right to make my objections. I</p> <p>21 don't know how much you like that, but I have the right</p> <p>22 to do so. But I have not advised her.</p> <p>23 Q. (BY MR. FISHER) How do you know Brad Beers?</p> <p>24 A. That's a pretty broad question. I know him as</p> <p>25 a lawyer.</p>	23	<p>1 Q. Okay. Well, I asked you if you did know.</p> <p>2 A. I don't know.</p> <p>3 Q. Okay. Do you know why Mr. Beers prepared and</p> <p>4 filed the assumed name certificate?</p> <p>5 A. I have no personal knowledge of that.</p> <p>6 Q. Okay. Do you have other knowledge perhaps</p> <p>7 through conversations with others?</p> <p>8 A. No.</p> <p>9 Q. Did you ever speak to Mr. Beers about his</p> <p>10 filing of an assumed name certificate for the</p> <p>11 partnership that you had with Mr. Bitgood known as</p> <p>12 Lewis, Brisbois, Bisgaard & Smith, LLP?</p> <p>13 MR. BITGOOD: Objection, form, broad.</p> <p>14 A. Not that I recall.</p> <p>15 Q. (BY MR. FISHER) Okay. Do you know who</p> <p>16 prepared the assumed name certificate that was filed on</p> <p>17 June 1st, 2022, for your partnership with Mr. Bitgood</p> <p>18 known as Lewis, Brisbois, Bisgaard & Smith, LLP?</p> <p>19 A. You'd have to show it to me. I don't recall</p> <p>20 it. I don't recall what you're talking about.</p> <p>21 Q. Have you ever seen the assumed name certificate</p> <p>22 that was filed on June 1st, 2022?</p> <p>23 A. If you will show it to me, I'll let you know if</p> <p>24 I have seen it. I don't -- does that have an exhibit</p> <p>25 number?</p>	25

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>26</p> <p>1 Q. Yeah, I don't know if it's got one in your 2 depo, but I've got one right here. I'm going to hand 3 you what we have marked -- and I'm not sure if we've 4 used this yet -- as Exhibit 40 -- and ask you if you've 5 seen this document before. 6 (Exhibit 40 marked.) 7 A. Oh, I believe I have, but I don't -- I couldn't 8 tell you when. 9 Q. (BY MR. FISHER) You can keep it. 10 A. I couldn't tell you when or the circumstances 11 under it. 12 Q. And can you tell me why -- well, do you know 13 who filed that document? 14 A. No, sir. 15 Q. It says at the bottom by Brad Beers. 16 A. Yes, it does. 17 Q. Does that lead you to believe that Mr. Beers 18 filed that -- that document? 19 MR. BITGOOD: What document is that again, 20 Mr. Fisher? 21 MR. FISHER: It's Exhibit 40. 22 MR. BITGOOD: Thank you. 23 A. One could believe that. 24 Q. (BY MR. FISHER) Okay. Well, this involves 25 your partnership, does it not?</p>	<p>28</p> <p>1 which is not registered anywhere. 2 Q. I'm not sure I understand. 3 A. Okay. 4 Q. So can you explain? 5 A. If the official name is Lewis, Brisbois, 6 Bisgaard & Smith, LLP, creating a -- using the name 7 without the LLP is a violation of the law. 8 Q. Okay. And why is that? 9 A. Because the statute says so. 10 Q. What statute is that? 11 A. Well, let's see. Let's figure it out here. 12 Okay. It's a group of three. Texas Business and 13 Commerce Code Section 71.201, .202, .203. 14 Q. And what is the penalty or the sanction for a 15 violation of this statute? 16 A. Without going -- 17 MR. BITGOOD: Objection, form. 18 A. Without looking at the statute, I don't recall. 19 It's -- I believe it's a misdemeanor as far as I can 20 recall. I don't recall the penalty. 21 Q. (BY MR. FISHER) So it's a criminal violation? 22 A. Yes, it is. 23 Q. Okay. But that's in the Texas Business 24 Organizations Code? 25 A. Business and Commerce Code. And I will point</p>
<p>27</p> <p>1 A. Yes. 2 Q. Okay. And what is the purpose of this assumed 3 name certificate? 4 MR. BITGOOD: Objection, form, document 5 speaks for itself. Oh, look at that, domestic limited 6 liability partner. 7 MR. FISHER: Once again, Mr. Bitgood, 8 you're not following the rules. We ask you to keep your 9 comments to yourself. 10 MR. BITGOOD: I was reading from the 11 document, Mr. Fisher. Please forgive me. 12 MR. FISHER: Read to yourself, please. 13 MR. BITGOOD: I will, sir. 14 A. It appears to be intended to be able to leave 15 off the comma LLP. 16 Q. (BY MR. FISHER) Okay. 17 A. That's what it appears to be. 18 Q. Okay. Why was that done? 19 A. I don't know. I would assume so that -- 20 MR. BITGOOD: Objection, form. Objection, 21 nonresponsive. 22 A. I would assume so that there's no violation of 23 the law as your client has regularly done. 24 Q. (BY MR. FISHER) What violation would that be? 25 A. To use a name in commerce or in legal matters</p>	<p>29</p> <p>1 out to you that this is Document 60-1, Page 3 and 4 of 8 2 entitled "Order Taking Judicial Notice" signed on 3 September 13th, 2022, by Judge Lewis White and admitted 4 as evidence in this instant case. 5 MR. FISHER: Objection, nonresponsive since 6 I didn't ask a question. 7 Q. (BY MR. FISHER) Why didn't you or Mr. Easton 8 file this form? 9 MR. BITGOOD: What was that question again, 10 Mr. Fisher? 11 A. Why would -- repeat your question. 12 Q. (BY MR. FISHER) Sure. 13 MR. FISHER: Court reporter, go ahead. 14 (Requested portion was read.) 15 A. Well -- 16 MR. BITGOOD: Objection, form. 17 A. I object to the fact that you're saying neither 18 one of us filed this form because if it were filed -- 19 MR. BITGOOD: Filed where? 20 A. -- with the Secretary of State, it was, by 21 definition, filed on behalf of the partnership, which is 22 Mr. Easton and myself, so I really don't understand the 23 question. 24 Q. (BY MR. FISHER) Okay. All right. I'll 25 rephrase it, then. It's a relatively simple form and</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 easily accessible, especially for somebody who's an</p> <p>2 attorney and especially for somebody who's providing</p> <p>3 legal services as you were with this partnership, so why</p> <p>4 did you need to engage another attorney to prepare and</p> <p>5 file this form?</p> <p>6 MR. DUNWOODY: Object to form.</p> <p>7 A. Objection. I did not engage Mr. Beers, so I</p> <p>8 can't tell you -- I can't answer that question.</p> <p>9 Q. (BY MR. FISHER) Okay. Then why did the</p> <p>10 partnership engage Mr. Beers?</p> <p>11 MR. BITGOOD: Objection, form.</p> <p>12 A. Why not?</p> <p>13 Q. (BY MR. FISHER) I'm just asking what was the</p> <p>14 reason why you engaged Mr. Beers to prepare and file or</p> <p>15 at least file a very simple form?</p> <p>16 MR. DUNWOODY: Object to form.</p> <p>17 MR. BITGOOD: Objection, assumes a fact not</p> <p>18 in evidence. Bennett, I don't want to tell you how to</p> <p>19 deposition, but why didn't you ask her did you ask him</p> <p>20 to do it.</p> <p>21 MR. FISHER: Thank you.</p> <p>22 Q. (BY MR. FISHER) Did you understand the</p> <p>23 question, Ms. Norman?</p> <p>24 A. Yes, I did. I understood the question, but I</p> <p>25 didn't see the need for me to do anything.</p>	<p>30</p> <p>1 I don't know for a fact that he did.</p> <p>2 Q. (BY MR. FISHER) All right. You know he's</p> <p>3 being sued in this lawsuit as a defendant for, amongst</p> <p>4 other things, conspiracy. Is it your testimony that</p> <p>5 you've had no conversations with Mr. Beers or only no</p> <p>6 conversations about this document?</p> <p>7 MR. DUNWOODY: Object to form.</p> <p>8 A. I don't -- I do not recall having any</p> <p>9 conversations with Mr. Beers about any of the filings at</p> <p>10 the Secretary of State.</p> <p>11 Q. (BY MR. FISHER) Including Exhibit 40?</p> <p>12 A. Including Exhibit 40.</p> <p>13 Q. Okay. Was there a particular reason, if you</p> <p>14 know, why on Line 7 the assumed name certificate is to</p> <p>15 cover all counties as opposed to just Fort Bend County</p> <p>16 or Harris County and Fort Bend County?</p> <p>17 A. I don't have an answer. I don't know.</p> <p>18 Q. Okay. Did you ever check the federal patent</p> <p>19 and trademark office or the copyright office or any</p> <p>20 other listings to see if Lewis, Brisbois, Bisgaard &</p> <p>21 Smith, LLP, known as our law firm, the law firm whose</p> <p>22 office you're sitting in now, ever had a registered</p> <p>23 trademark?</p> <p>24 MR. DUNWOODY: Object to form.</p> <p>25 Q. (BY MR. FISHER) Or servicemark?</p>
<p>31</p> <p>1 Q. Okay. Do you know who prepared this form?</p> <p>2 MR. DUNWOODY: Object to form.</p> <p>3 A. Now that's -- we're looking at Exhibit Number</p> <p>4 40?</p> <p>5 Q. (BY MR. FISHER) Yes, ma'am.</p> <p>6 A. Do I have it here?</p> <p>7 Q. If we have another one we'll give it to you.</p> <p>8 MR. FISHER: Brad, do you have it?</p> <p>9 A. Okay. So what was your question?</p> <p>10 MR. FISHER: Mr. Dunwoody, do you have it?</p> <p>11 Allison, can you read it back?</p> <p>12 (Requested portion was read.)</p> <p>13 MR. DUNWOODY: That wasn't the last</p> <p>14 question.</p> <p>15 (Requested portion was read.)</p> <p>16 MR. DUNWOODY: Objection, form.</p> <p>17 A. It appears to me if you take the electronic</p> <p>18 signature down below, this is by, colon, Brad Beers. It</p> <p>19 could appear that Mr. Beers prepared this.</p> <p>20 Q. (BY MR. FISHER) Yes, ma'am.</p> <p>21 A. Okay.</p> <p>22 Q. Do you know for a fact that Mr. Beers prepared</p> <p>23 this form?</p> <p>24 MR. DUNWOODY: Object to form.</p> <p>25 A. I have not spoken with Mr. Beers about this, so</p>	<p>32</p> <p>1 A. Actually, yes, I did.</p> <p>2 Q. Okay. When?</p> <p>3 A. I would have to -- I don't recall, but I do</p> <p>4 recall finding that as of February 20 -- September 23rd,</p> <p>5 2022, you did not have a registered trademark for the</p> <p>6 words "Lewis, Brisbois, Bisgaard & Smith, LLP."</p> <p>7 Q. Okay. And did you do that search sometime in</p> <p>8 2022?</p> <p>9 A. Yes, I did.</p> <p>10 Q. Would -- do you remember whether you did that</p> <p>11 search in the spring of 2022?</p> <p>12 A. I recall that I did not.</p> <p>13 Q. You did not do that -- any kind of search for</p> <p>14 the name of our law firm at any time in the spring of</p> <p>15 2022?</p> <p>16 A. That is correct.</p> <p>17 Q. Okay. Was it the summer of 2022 that you did</p> <p>18 this search?</p> <p>19 A. Mr. Fisher, I don't remember. I just remember</p> <p>20 that I was stunned and amazed to find that you had no</p> <p>21 trademark for this name as of September the 23rd, 2022.</p> <p>22 Q. But you did discover that we had a registered</p> <p>23 servicemark known as -- under the name Lewis, Brisbois,</p> <p>24 Bisgaard & Smith, LLP?</p> <p>25 A. What are you calling --</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 MR. DUNWOODY: Object to form.</p> <p>2 A. A servicemark?</p> <p>3 Q. (BY MR. FISHER) The name "Lewis, Brisbois,</p> <p>4 Bisgaard & Smith, LLP."</p> <p>5 MR. DUNWOODY: Object to form.</p> <p>6 A. No, sir. I found that it -- I found that your</p> <p>7 right to this trademark had been cancelled, I think, ten</p> <p>8 years before you filed this lawsuit.</p> <p>9 Q. (BY MR. FISHER) Ten years?</p> <p>10 A. I think it was ten years. I have filed in one</p> <p>11 of the filings with the Court the cancellation by patent</p> <p>12 and trademark office of the document filed by Bill</p> <p>13 Helfand, William Helfand. I believe it's Exhibit 1 in</p> <p>14 your September 23rd, 2022, original petition where he</p> <p>15 asserted that that was an active -- an active filing and</p> <p>16 it was not.</p> <p>17 Q. You found that was a mistake?</p> <p>18 A. No, I found it was --</p> <p>19 MR. BITGOOD: Objection, form.</p> <p>20 Q. (BY MR. FISHER) It was an inaccurate</p> <p>21 statement?</p> <p>22 A. It was perjury.</p> <p>23 Q. Okay. Well, that's your opinion.</p> <p>24 A. That is my opinion.</p> <p>25 Q. Because you can't possibly know what the</p>	<p>34</p> <p>1 A. Objection, form.</p> <p>2 MR. BITGOOD: Objection, form.</p> <p>3 A. I found that it was registered and cancelled.</p> <p>4 Q. (BY MR. FISHER) Okay. That's fine. I</p> <p>5 understand that it's -- the registration lapsed or</p> <p>6 something, but the bottom line is that you were able to</p> <p>7 find that at one time, Lewis, Brisbois, Bisgaard &</p> <p>8 Smith, LLP, the law firm whose office you're sitting in</p> <p>9 right now, had a registered trademark or servicemark?</p> <p>10 MR. DUNWOODY: Object to form.</p> <p>11 A. Okay. I found --</p> <p>12 Q. (BY MR. FISHER) That's your testimony?</p> <p>13 MR. DUNWOODY: Object to form.</p> <p>14 A. It is my testimony that I found prior to -- it</p> <p>15 was not lapsed. It was cancelled by the USPTO. Those</p> <p>16 are two different words. And I have filed that</p> <p>17 cancelled -- a certified copy of that cancellation of</p> <p>18 record. I found that at one time, the four-word, comma,</p> <p>19 LLP -- Lewis, Brisbois, Bisgaard & Smith, LLP -- had</p> <p>20 been registered as a servicemark, if you will.</p> <p>21 It was cancelled, I'm going to say,</p> <p>22 possibly ten years ago. And I am going to defer to the</p> <p>23 actual certified copy that was filed in this case of the</p> <p>24 cancellation.</p> <p>25 Q. (BY MR. FISHER) Okay. But in order to be</p>
<p>35</p> <p>1 intention was with Mr. Helfand, could you?</p> <p>2 A. Oh, I definitely can --</p> <p>3 MR. BITGOOD: Objection. Ms. Norman,</p> <p>4 please. Objection as to form as to what was going on in</p> <p>5 Helfand's mind, which, by the way, is a very sick mind.</p> <p>6 A. I will tell you that --</p> <p>7 MR. FISHER: Objection to any sidebars like</p> <p>8 that. This is an accommodation that we've made for you,</p> <p>9 Mr. Easton. Please don't abuse it.</p> <p>10 A. My answer is that he filed a document on</p> <p>11 September the 23rd which contained false assertions. He</p> <p>12 continued his false assertions on October the 6th</p> <p>13 knowing that only on September the 29th, 2022, did one</p> <p>14 of your patent and trademark attorneys from California</p> <p>15 file a new application for this four-name, comma, LLP to</p> <p>16 be re -- to be granted.</p> <p>17 Q. (BY MR. FISHER) All right. I'm going to ask</p> <p>18 the question a different way because I don't think</p> <p>19 you're answering the original question. At least</p> <p>20 sometime in September or October of 2022, from your</p> <p>21 searches you discovered that at one time, the name of</p> <p>22 our law firm, Lewis, Brisbois, Bisgaard & Smith, LLP was</p> <p>23 registered with the USPTO --</p> <p>24 MR. DUNWOODY: Object to form.</p> <p>25 Q. (BY MR. FISHER) -- correct?</p>	<p>36</p> <p>1 cancelled, you have to agree with me that it had to</p> <p>2 exist?</p> <p>3 MR. DUNWOODY: Object to form.</p> <p>4 Q. (BY MR. FISHER) Agreed?</p> <p>5 A. I have to agree -- I agree with you that at one</p> <p>6 point in time it existed.</p> <p>7 Q. Okay. And as we discussed last time, you knew</p> <p>8 sometime in early March of 2022 that there was a law</p> <p>9 firm located in Houston, Texas in this building on this</p> <p>10 floor named Lewis, Brisbois, Bisgaard & Smith, LLP --</p> <p>11 MR. BITGOOD: Objection, form.</p> <p>12 Q. (BY MR. FISHER) -- correct?</p> <p>13 MR. BITGOOD: Assumes a fact not in</p> <p>14 evidence.</p> <p>15 A. I learned in March, after March the 11th, 2022,</p> <p>16 that the law firm located in this building and the</p> <p>17 Dallas -- as well as in Dallas lost its authority to do</p> <p>18 business in Texas via the forfeiture of its right to do</p> <p>19 business as a foreign LLP. And it's the law firm that</p> <p>20 we're sitting in now, which is a California foreign LLP.</p> <p>21 Q. (BY MR. FISHER) All right. So without regard</p> <p>22 to your legal conclusion that the law firm lost its</p> <p>23 right to do business, you knew at least on March 9th, I</p> <p>24 think was your testimony, maybe March 11th, that the law</p> <p>25 firm known as Lewis, Brisbois, Bisgaard & Smith, LLP was</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 organized and was practicing law, under your assumption 2 rightfully or wrongfully, but was practicing law in 3 Houston, Texas?</p> <p>4 MR. DUNWOODY: Object to form.</p> <p>5 A. No, sir, I did not found find that out. What I 6 found was law firms don't practice law. Individual 7 lawyers practice law. So the law firm was not 8 practicing law. The law firm was apparently appearing 9 in court through its lawyers. And the law firm had no 10 right to appear as a law firm as of March the 9th, 2022.</p> <p>11 Q. (BY MR. FISHER) But you just said that law 12 firms don't practice law.</p> <p>13 A. That's what I said.</p> <p>14 Q. They don't appear in court.</p> <p>15 A. So the law firm doesn't -- you said the law 16 firm was practicing law. It was not practicing law. It 17 was acting -- it was conducting business in Texas by 18 having its lawyers represent clients and it had no 19 rights to conduct business in Texas.</p> <p>20 Q. Okay. That's your opinion of the law, correct?</p> <p>21 A. No, sir. It is not my opinion. When the Texas 22 Secretary of State says that you have forfeited your 23 right to do business in Texas as a law firm, that's not 24 my opinion. That is a fact.</p> <p>25 Q. But the lawyers are practicing under the name,</p>	<p>38</p> <p>1 business in Texas. He did not appear as a sole 2 practitioner or on his own accord doing business.</p> <p>3 Q. But rightfully or wrongfully, the law firm 4 known as Lewis, Brisbois, Bisgaard & Smith, LLP has been 5 practicing law in Texas continuously for many years, 6 correct?</p> <p>7 MR. DUNWOODY: Object to form.</p> <p>8 A. I didn't --</p> <p>9 MR. BITGOOD: Objection, form. Objection, 10 form.</p> <p>11 MR. FISHER: We heard you.</p> <p>12 A. No, it has not. No.</p> <p>13 Q. (BY MR. FISHER) No?</p> <p>14 A. Law firms don't practice law. Law firms 15 conduct business with lawyers appearing under the rubric 16 of that name. And if that name has no authority to 17 conduct business in Texas, that's one of the reasons 18 that Judge White granted the Rule 12 motion to -- on 19 September 13th.</p> <p>20 Q. Well, I'm going to object to --</p> <p>21 MR. FISHER: Objection, nonresponsive.</p> <p>22 Q. (BY MR. FISHER) You can't possibly speculate 23 why Judge White ruled what he did and signed what he 24 did, can you?</p> <p>25 A. It's not speculation to know that his findings</p>
<p>39</p> <p>1 rightfully or wrongfully, subject to penalties of a 2 misdemeanor or some other penalty, but if they're 3 practicing law under the name Lewis, Brisbois, Bisgaard 4 & Smith, LLP, that was a fact that you knew of at least 5 on March 11th, 2022?</p> <p>6 MR. DUNWOODY: Object to form.</p> <p>7 MR. BITGOOD: Objection, form.</p> <p>8 Q. (BY MR. FISHER) We already had that 9 conversation. I'm just trying to go a little bit 10 further with that. You already testified that you knew 11 of the name and the law firm Lewis, Brisbois, Bisgaard & 12 Smith. Do you recall that testimony?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Because I think the way that you 15 explained that you knew is that David Oubre, one of the 16 attorneys in this firm in this office filed a pleading 17 in a case that you were involved in?</p> <p>18 A. That's correct.</p> <p>19 Q. Okay. So on that date, rightfully or 20 wrongfully, David Oubre, under the name or practicing in 21 the offices of Lewis, Brisbois, Bisgaard & Smith, 22 appeared in a pleading that you had knowledge of, 23 correct?</p> <p>24 A. He appeared as an employee/partner/managing 25 partner of an entity that had no right to conduct</p>	<p>41</p> <p>1 of fact speak for themselves and they're admitted as 2 evidence already.</p> <p>3 Q. All right. I'm not going to argue with that 4 part of it, but then I want to move on to May. And you 5 formed a partnership with Mr. Bitgood under the exact 6 same name as the law firm Lewis, Brisbois, Bisgaard & 7 Smith, LLP, did you not?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And within a week or two after that, you 10 learned that, rightfully or wrongfully, the right to do 11 business in Texas by Lewis, Brisbois, Bisgaard & Smith, 12 the California limited liability partnership, had again 13 retained the right to do business in Texas retroactive 14 to late March. You did learn that, correct?</p> <p>15 MR. DUNWOODY: Object to form.</p> <p>16 MR. BITGOOD: Objection. Object to the 17 form of the question.</p> <p>18 A. I learned on June 9th, 2022, that the Secretary 19 of State had filed on that day the reapplication.</p> <p>20 Q. (BY MR. FISHER) Reinstatement?</p> <p>21 A. No, I don't think it -- no, it was not a 22 reinstatement. It was a new application by the 23 California entity.</p> <p>24 Q. Okay.</p> <p>25 A. Reinstatement would have to have occurred by</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 March 9th. That was not done.</p> <p>2 Q. Okay. But it was -- it was granted authority</p> <p>3 retroactive to March 26th or 27th?</p> <p>4 A. It was granted authority to conduct business in</p> <p>5 Texas, but when I questioned the attorney for the -- I</p> <p>6 got to the attorney for the Secretary of State, they</p> <p>7 don't get into who has the right to conduct name under</p> <p>8 that business.</p> <p>9 That's why we filed a declaratory action,</p> <p>10 which was granted on September 13th. The orders --</p> <p>11 declaratory action seeking who had the right to use that</p> <p>12 name. And --</p> <p>13 Q. All right. But at least -- at least by late</p> <p>14 March, this law firm had the right to conduct business</p> <p>15 in Texas, did it not?</p> <p>16 MR. DUNWOODY: Object to form.</p> <p>17 MR. BITGOOD: Objection, form.</p> <p>18 A. As of June 9th -- as of June 9th, it was shown</p> <p>19 that there was the right to conduct business in Texas,</p> <p>20 but until June the 9th, that authority did not appear</p> <p>21 anywhere in the Texas Secretary of State website.</p> <p>22 Q. (BY MR. FISHER) Okay. So it wasn't until</p> <p>23 June 9th that you knew that the law firm originally</p> <p>24 organized in California and whose office you're sitting</p> <p>25 in right now known as Lewis, Brisbois, Bisgaard & Smith,</p>	<p>42</p> <p>1 And Document 42 was filed September 22nd, 2022, after</p> <p>2 Judge White's rulings on September the 13th. So that</p> <p>3 was filed, yes, sir.</p> <p>4 Q. Okay. So the answer is that after you knew</p> <p>5 that the law firm known as Lewis, Brisbois, Bisgaard &</p> <p>6 Smith, LLP was authorized to do business in Texas, you</p> <p>7 filed on more than one occasion pleadings or other</p> <p>8 documents for public record under your partnership name</p> <p>9 also known as Lewis, Brisbois, Bisgaard & Smith, LLP,</p> <p>10 correct?</p> <p>11 MR. DUNWOODY: Object to form.</p> <p>12 Q. (BY MR. FISHER) Yes or no?</p> <p>13 MR. BITGOOD: Objection as to form.</p> <p>14 A. Yes.</p> <p>15 MR. FISHER: Okay. Let's take about a</p> <p>16 five-minute break.</p> <p>17 MR. BITGOOD: Can you make it ten, please,</p> <p>18 so I can go to the restroom, Mr. Fisher?</p> <p>19 THE VIDEOGRAPHER: We are going off the</p> <p>20 record. The time is 11:25.</p> <p>21 (Break taken from 11:25 a.m. to 11:39 a.m.)</p> <p>22 THE VIDEOGRAPHER: Going on the record.</p> <p>23 The time is 11:38.</p> <p>24 Q. (BY MR. FISHER) Ms. Norman?</p> <p>25 A. Yes, sir.</p> <p>44</p>
<p>43</p> <p>1 LLP was authorized to do business in Texas?</p> <p>2 MR. DUNWOODY: Object to form.</p> <p>3 A. Yes.</p> <p>4 Q. (BY MR. FISHER) Okay. So for one week --</p> <p>5 well, two weeks since you formed your partnership with</p> <p>6 Mr. Bitgood, did you file anything in any court or send</p> <p>7 any correspondence under the name "Lewis, Brisbois,</p> <p>8 Bisgaard & Smith, LLP"?</p> <p>9 A. You would have to look at the state court</p> <p>10 record. More than likely, yes, but I don't recall the</p> <p>11 filings.</p> <p>12 Q. Okay. But after June 9th, you did file on</p> <p>13 several occasions pleadings or correspondence under the</p> <p>14 name "Lewis, Brisbois, Bisgaard & Smith, LLP," did you</p> <p>15 not?</p> <p>16 MR. BITGOOD: Objection, form. Assumes a</p> <p>17 fact not in evidence.</p> <p>18 A. Okay. Mr. Fisher, if you want to show me</p> <p>19 something that you say I filed, I'm happy to confirm or</p> <p>20 deny it.</p> <p>21 Q. (BY MR. FISHER) Sure. We already -- well, I</p> <p>22 already showed you two. One was a letter to -- I think</p> <p>23 that was Exhibit 67. And then there was another</p> <p>24 document that was Exhibit 42. So I showed you two.</p> <p>25 A. Okay. Let me get these rearranged here. Okay.</p>	<p>45</p> <p>1 Q. If I understand reading between the lines or</p> <p>2 listening between the lines to your testimony, do you</p> <p>3 think that Judge White's ruling somehow allowed you to</p> <p>4 again use the name "Lewis, Brisbois, Bisgaard & Smith,</p> <p>5 LLP" --</p> <p>6 A. Yes, sir.</p> <p>7 MR. DUNWOODY: Object to form.</p> <p>8 Q. (BY MR. FISHER) -- after his ruling?</p> <p>9 MR. BITGOOD: Please let us object.</p> <p>10 Objection to form.</p> <p>11 A. Yes, I do.</p> <p>12 Q. (BY MR. FISHER) Okay. And that's because he</p> <p>13 concluded somehow that -- what?</p> <p>14 A. Well, I'm going to point you to the findings of</p> <p>15 fact and conclusions of law.</p> <p>16 Q. Well, I can read them, but I want to know what</p> <p>17 it is that you think allows you to use the name of our</p> <p>18 law firm in the mediation and arbitration business that</p> <p>19 you set up with Mr. Bitgood?</p> <p>20 MR. BITGOOD: Objection, assumes --</p> <p>21 objection, form.</p> <p>22 A. Objection -- objection, form. You are stating</p> <p>23 a question as if it is an ongoing use of the name and it</p> <p>24 is not.</p> <p>25 Q. (BY MR. FISHER) What do you mean it's not</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>46</p> <p>1 ongoing? It was ongoing.</p> <p>2 A. It was -- at the -- between September the 13th</p> <p>3 and October the 6th, it was ongoing until it was shut</p> <p>4 down October the 6th.</p> <p>5 Q. But you formed it May 26th.</p> <p>6 A. That's right.</p> <p>7 Q. So wasn't it ongoing at that point forward?</p> <p>8 MR. DUNWOODY: Object to form.</p> <p>9 Q. (BY MR. FISHER) The duration was perpetual?</p> <p>10 A. Right, until it was shut down on October 6th.</p> <p>11 Q. Right, but until that time, it was used</p> <p>12 continuously, correct?</p> <p>13 MR. DUNWOODY: Object to form.</p> <p>14 A. It was used from September the 26th or --</p> <p>15 excuse me, from May 26th or 31st, whichever the date is,</p> <p>16 I don't have it in front of me, until October the 6th,</p> <p>17 the name was used.</p> <p>18 Q. (BY MR. FISHER) Okay. And you think it was</p> <p>19 okay to use the name after Judge White issued his ruling</p> <p>20 on September 13th?</p> <p>21 A. Yes.</p> <p>22 Q. So you think after September 13th, it was okay</p> <p>23 to use the name?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. Because in your opinion, Judge White's</p>	<p>48</p> <p>1 Brisbois, Bisgaard & Smith, LLP," the name of our law</p> <p>2 firm whose office you're sitting in right now?</p> <p>3 MR. DUNWOODY: Object to form.</p> <p>4 MR. BITGOOD: Objection as to form.</p> <p>5 A. Objection as to form. Usurp is an incorrect</p> <p>6 term.</p> <p>7 Q. (BY MR. FISHER) Okay. How about just use?</p> <p>8 You think it's okay the use the name "Lewis, Brisbois,</p> <p>9 Bisgaard & Smith, LLP" after September 13th because</p> <p>10 that's what Judge White -- because of something Judge</p> <p>11 White ruled?</p> <p>12 MR. DUNWOODY: Object to form.</p> <p>13 A. I took Judge White's ruling to mean that, yes,</p> <p>14 we had the right to use that name.</p> <p>15 Q. (BY MR. FISHER) Okay. Regardless of any</p> <p>16 federal law including the Lanham Act?</p> <p>17 MR. DUNWOODY: Object to form.</p> <p>18 A. Federal law does not supercede state law in</p> <p>19 this case. There is concurrent jurisdiction.</p> <p>20 Q. (BY MR. FISHER) I didn't ask about</p> <p>21 jurisdiction. I asked about the law.</p> <p>22 A. Well, in order for the law to apply, there has</p> <p>23 to be jurisdiction. So the jurisdiction of state law,</p> <p>24 there's concurrent jurisdiction. There's no -- no</p> <p>25 singular jurisdiction that applies in this matter.</p>
<p>47</p> <p>1 ruling -- first of all, Judge White's an associate judge</p> <p>2 of a county court?</p> <p>3 A. Objection, form. It assumes -- you are lacking</p> <p>4 a fact.</p> <p>5 Q. Okay. What fact?</p> <p>6 A. The fact that there was an unopposed by your</p> <p>7 firm and Mr. -- and Mr. Oubre, there was an unopposed</p> <p>8 order signed by the elected judge appointing Judge White</p> <p>9 to all matters relating to this case.</p> <p>10 So that order conferred the elected judge's</p> <p>11 authority on everything Judge White did. So if you call</p> <p>12 him an associate judge, that's technically his title,</p> <p>13 but he was confirmed with a specific order to hear</p> <p>14 everything in this case.</p> <p>15 Q. All right.</p> <p>16 MR. FISHER: Objection, nonresponsive.</p> <p>17 Q. (BY MR. FISHER) Let's go back to my question.</p> <p>18 Judge White is an associate judge in a county court in</p> <p>19 Fort Bend County, correct?</p> <p>20 MR. BITGOOD: Objection, form.</p> <p>21 A. To that extent, yes.</p> <p>22 Q. (BY MR. FISHER) Okay. That's all I'm asking.</p> <p>23 I'm not -- not going any further than that. All right.</p> <p>24 So just to recap, the -- you think it's okay that a</p> <p>25 county court ruling allowed you to usurp the name "Lewis</p>	<p>49</p> <p>1 There is concurrent jurisdiction of state and federal</p> <p>2 court.</p> <p>3 And your -- this California entity made no</p> <p>4 opposition to anything done in state court, specifically</p> <p>5 on the hearing of August -- excuse me, September 13th.</p> <p>6 Mr. Oubre made no opposition. He called no witnesses.</p> <p>7 He put -- I don't think he put in one</p> <p>8 exhibit. He didn't oppose, so yes, the state court has</p> <p>9 concurrent jurisdiction and that was the first entity in</p> <p>10 which this contest over the name was brought.</p> <p>11 Q. Okay.</p> <p>12 MR. FISHER: Objection, nonresponsive.</p> <p>13 Q. (BY MR. FISHER) So let me ask it another way.</p> <p>14 Would it be, in your opinion, okay in accordance with</p> <p>15 law for you and Mr. Bitgood to start up using the name</p> <p>16 "Lewis, Brisbois, Bisgaard & Smith, LLP" again based on</p> <p>17 what you've already testified to and based on all of</p> <p>18 your knowledge of facts and the law?</p> <p>19 MR. DUNWOODY: Object to form.</p> <p>20 Q. (BY MR. FISHER) Including, by the way, I'll</p> <p>21 add this, too, Judge White's order and findings of fact?</p> <p>22 A. Not without filing another -- for another</p> <p>23 entity with the Texas Secretary of State.</p> <p>24 Q. Or you could file just an assumed name</p> <p>25 certificate, couldn't you?</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 MR. DUNWOODY: Object to form.</p> <p>2 Q. (BY MR. FISHER) It could be Sue Norman doing</p> <p>3 business as Lewis, Brisbois, Bisgaard & Smith, LLP?</p> <p>4 MR. BITGOOD: Objection, form.</p> <p>5 A. No.</p> <p>6 Q. (BY MR. FISHER) Why not?</p> <p>7 A. Because knowing that there is now at least</p> <p>8 applied for trademark and that presumably you're still</p> <p>9 authorized to do business in Texas, it's not something I</p> <p>10 would ever consider doing.</p> <p>11 THE VIDEOGRAPHER: Excuse me, Mr. Fisher.</p> <p>12 Do you have your microphone on?</p> <p>13 MR. FISHER: Wow. I'm sorry. That would</p> <p>14 explain why you can't hear me.</p> <p>15 THE VIDEOGRAPHER: I mean, I could hear</p> <p>16 you. I could just tell the audio was a little lower.</p> <p>17 MR. FISHER: I appreciate that. I'm sorry.</p> <p>18 Q. (BY MR. FISHER) All right. So if the -- but</p> <p>19 as of right now, and I haven't looked, but have you</p> <p>20 looked to see whether we once again have a registered</p> <p>21 trademark to use or servicemark to use the name</p> <p>22 "Lewis, Brisbois, Bisgaard & Smith"?</p> <p>23 MR. DUNWOODY: Object to form.</p> <p>24 A. No, I have not.</p> <p>25 Q. (BY MR. FISHER) Okay. But if there is no</p>	<p>50</p> <p>1 Texas entity was formed and filed --</p> <p>2 Q. (BY MR. FISHER) Which Texas entity?</p> <p>3 A. There's only one Texas entity.</p> <p>4 Q. You're talking about your partnership with</p> <p>5 Mr. Bitgood?</p> <p>6 A. Right.</p> <p>7 Q. Okay.</p> <p>8 A. The California entity as a foreign LLP got</p> <p>9 registered, and I presume will stay registered from now</p> <p>10 on. But at that time -- at the time this was formed</p> <p>11 originally, there was nothing showing that it was --</p> <p>12 that the California LLP was authorized to do business in</p> <p>13 Texas.</p> <p>14 Q. Okay. So I'll ask you again. In your opinion,</p> <p>15 was it legal for you to use the name, in your opinion,</p> <p>16 "Lewis, Brisbois, Bisgaard & Smith, LLP" after June 9th,</p> <p>17 2022?</p> <p>18 MR. DUNWOODY: Object to form.</p> <p>19 A. Yes.</p> <p>20 MR. BITGOOD: Form.</p> <p>21 (Exhibit 58 marked.)</p> <p>22 Q. (BY MR. FISHER) Okay. I'm going to hand you</p> <p>23 what I've marked as Exhibit 58 and ask you if you've</p> <p>24 seen that document before?</p> <p>25 MR. BITGOOD: What's 58? Mr. Fisher, mine</p>
<p>51</p> <p>1 registered mark for Lewis, Brisbois, Bisgaard & Smith,</p> <p>2 LLP, based on your knowledge of the law and the facts</p> <p>3 including Judge White's order, you believe it would be</p> <p>4 okay to use the name "Lewis, Brisbois, Bisgaard & Smith,</p> <p>5 LLP"?</p> <p>6 MR. DUNWOODY: Object to form.</p> <p>7 MR. BITGOOD: Objection as to form.</p> <p>8 A. No, I would not do it.</p> <p>9 Q. (BY MR. FISHER) Why?</p> <p>10 A. Why would I not do it?</p> <p>11 Q. Well, I didn't ask you whether you would do it.</p> <p>12 I said do you think that it's okay legally?</p> <p>13 MR. DUNWOODY: Object to form.</p> <p>14 Q. (BY MR. FISHER) Do you need me to repeat the</p> <p>15 whole thing?</p> <p>16 A. No, I don't, but I see where you're going with</p> <p>17 this. And until September the 16th, I believe, 2022,</p> <p>18 there was not one hint from the California entity or</p> <p>19 Mr. Oubre that there was any opposition to the use of</p> <p>20 this name.</p> <p>21 Q. Okay. So you think that it was okay legally to</p> <p>22 use the name "Lewis, Brisbois, Bisgaard & Smith, LLP"</p> <p>23 because no lawsuit had been filed?</p> <p>24 MR. DUNWOODY: Objection, form.</p> <p>25 A. No, sir. At the time that the entity -- the</p>	<p>53</p> <p>1 ends at 57.</p> <p>2 MR. DUNWOODY: So this has the Bates Number</p> <p>3 on it that's LBBS 247 through 259.</p> <p>4 A. This is -- purports to be an e-mail from</p> <p>5 Meredith Riede to Norman Ray Giles, which is forwarding</p> <p>6 your e-mail -- that her e-mail is August 17th. She's</p> <p>7 forwarding your e-mail.</p> <p>8 Q. (BY MR. FISHER) Who's me?</p> <p>9 A. I'm sorry?</p> <p>10 Q. It says -- the forwarded e-mail says from East</p> <p>11 Pro Law.</p> <p>12 A. That's right.</p> <p>13 Q. That's not me.</p> <p>14 A. I didn't say me.</p> <p>15 Q. You said you.</p> <p>16 A. No -- well, you being -- I'm in the --</p> <p>17 Q. You said your e-mail.</p> <p>18 A. Okay. Excuse me. It's a forwarded message</p> <p>19 from East Pro Law at eastprolaw@msn.com dated</p> <p>20 August 17th, 2022, at 4:27 p.m. attaching an</p> <p>21 un-filestamped pleading of August 17th entitled</p> <p>22 "Timeline and Chronology" regarding the -- beginning</p> <p>23 November 5th, 2021, going through seven -- seven pages</p> <p>24 of timeline up through August 2022 regarding the</p> <p>25 lawsuit -- excuse me, 22-CCV-070378.</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>54</p> <p>1 Q. Okay. Now, this is the -- the lawsuit that you</p> <p>2 just mentioned is the lawsuit in county court that</p> <p>3 involved some sort of an eviction proceeding?</p> <p>4 A. No. It's -- this was not an --</p> <p>5 Q. Well, what is --</p> <p>6 A. Anyway --</p> <p>7 Q. You signed this pleading, so what was this</p> <p>8 lawsuit about?</p> <p>9 MR. BITGOOD: Objection as to form.</p> <p>10 A. It's a lawsuit by Richard Jones and Michael</p> <p>11 Bitgood of Lewis, Brisbois, Bisgaard & Smith versus</p> <p>12 Karina Martinez, Marianna Sullivan, Imperial Lofts, LLC,</p> <p>13 David Oubre, Chinasa Ogbureke, Imperial Lofts Owner,</p> <p>14 LLC, and the California foreign entity over various</p> <p>15 thefts, violations of the CARES act, a lot of -- I won't</p> <p>16 go through the entire lawsuit with you -- filed in</p> <p>17 County Court At Law Number 3 of Fort Bend County.</p> <p>18 Q. (BY MR. FISHER) Okay. Now, just to be clear,</p> <p>19 this e-mail was sent from East Pro Law,</p> <p>20 eastprolaw@nsn.com, correct?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And whose e-mail address is</p> <p>23 eastprolaw@nsn.com?</p> <p>24 MR. BITGOOD: Objection to form.</p> <p>25 A. Michael Easton/Michael Bitgood.</p>	<p>56</p> <p>1 MR. BITGOOD: Why don't you ask her that?</p> <p>2 A. I'm going to object. No, that -- I can tell</p> <p>3 you that almost categorically that didn't happen.</p> <p>4 Q. (BY MR. FISHER) Okay. But you found out about</p> <p>5 this sometime after this was sent, this e-mail?</p> <p>6 A. At some point, yes.</p> <p>7 Q. All right. Do you know who Meredith Riede is?</p> <p>8 A. Yes, I do.</p> <p>9 Q. Can you tell the Court?</p> <p>10 A. She is -- as best I can recollect, she is the</p> <p>11 Sugar Land city attorney.</p> <p>12 Q. Okay. Do you know why this e-mail was sent by</p> <p>13 Mr. Bitgood to Meredith Riede?</p> <p>14 A. August 17th. I don't recall what events</p> <p>15 happened August 17th, but I -- I have -- I had been</p> <p>16 attempting to contact her regarding my client, Richard</p> <p>17 Jones.</p> <p>18 Q. Okay.</p> <p>19 A. And police corruption related to him.</p> <p>20 Q. Okay.</p> <p>21 A. And got pretty much zero response from her.</p> <p>22 Q. Pretty much. What do you mean pretty much?</p> <p>23 A. Well, I'll -- it's something -- and I don't</p> <p>24 recall. I'd have to look at the -- I would have to</p> <p>25 look. We'll get back with you. I'll get back with you.</p>
<p>55</p> <p>1 Q. (BY MR. FISHER) Okay. And did you know about</p> <p>2 this e-mail when it was sent?</p> <p>3 MR. BITGOOD: Objection as to form. E-mail</p> <p>4 sent to who? From Meredith Riede or from me?</p> <p>5 Q. (BY MR. FISHER) Did you know about</p> <p>6 Mr. Bitgood's e-mail to Meredith Riede?</p> <p>7 MR. BITGOOD: Thank you.</p> <p>8 A. I don't see -- I don't see my name on the</p> <p>9 service list here.</p> <p>10 Q. (BY MR. FISHER) I didn't ask that question.</p> <p>11 Did you know that this e-mail was sent?</p> <p>12 A. At some point I probably did. I don't know</p> <p>13 when.</p> <p>14 Q. Okay. You don't know whether it was soon after</p> <p>15 or before?</p> <p>16 A. I don't know that I would have known before it</p> <p>17 was sent.</p> <p>18 Q. So you could have known?</p> <p>19 MR. BITGOOD: Objection as to form.</p> <p>20 A. How would I know an e-mail is sent if I --</p> <p>21 before it's sent?</p> <p>22 Q. (BY MR. FISHER) Easily. Mr. Bitgood could</p> <p>23 have sent it to you and say what do you think? I'm</p> <p>24 going to send this to Meredith Riede.</p> <p>25 A. No.</p>	<p>57</p> <p>1 I don't have anything the show you. There's no</p> <p>2 complaint form, etc.</p> <p>3 Q. But you don't know whether she followed up or</p> <p>4 whether she did an investigation?</p> <p>5 A. I don't remember.</p> <p>6 Q. Okay. But she could have?</p> <p>7 A. She could have.</p> <p>8 Q. Okay. Now, why do you think, if you know, this</p> <p>9 chronology was sent to her in the form of the pleading?</p> <p>10 A. I didn't send it to her, so I would hesitate to</p> <p>11 speak for Mr. Bitgood. You can ask him in a deposition,</p> <p>12 if you'd like.</p> <p>13 Q. Was this pleading filed?</p> <p>14 MR. BITGOOD: Objection, form. The</p> <p>15 pleading will speak for itself when it was filed.</p> <p>16 A. Well, there's not a file stamp on this one.</p> <p>17 Q. (BY MR. FISHER) I know there's not a file</p> <p>18 stamp.</p> <p>19 A. So I don't know. I don't remember if it was</p> <p>20 filed or not.</p> <p>21 Q. Your name is attached to it. Do you remember</p> <p>22 whether this was filed or not?</p> <p>23 MR. DUNWOODY: Object to form.</p> <p>24 A. Do you want me to guess? It would be a guess.</p> <p>25 Q. (BY MR. FISHER) Okay. Did you help put</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 together this timeline?</p> <p>2 A. It does not look like I did.</p> <p>3 Q. All right. And just for the record, this</p> <p>4 document, whether it was filed or not, is in a pleading</p> <p>5 form with the letterhead at the top that says "Lewis,</p> <p>6 Brisbois, Bisgaard & Smith, LLP," does it not?</p> <p>7 MR. DUNWOODY: Object to form.</p> <p>8 A. It does. It's also dated August 17th, 2022.</p> <p>9 Q. (BY MR. FISHER) Right, which was several weeks</p> <p>10 before Judge White's --</p> <p>11 A. That's correct.</p> <p>12 Q. -- ruling, right?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And you believe that it was legally</p> <p>15 permissible to file a pleading of this nature with our</p> <p>16 law firm's name at the top?</p> <p>17 MR. BITGOOD: Objection as to form, our law</p> <p>18 firm.</p> <p>19 A. It is not your law firm. It's the same name as</p> <p>20 your law firm, but it is not your law firm's name. It</p> <p>21 clearly delineates that this is a mediation and</p> <p>22 arbitration firm that has a Richmond, Texas address.</p> <p>23 Q. (BY MR. FISHER) Would you agree with me that</p> <p>24 the names at the top are at least exactly the same as</p> <p>25 the names of our law firm, of my law firm?</p>	<p>58</p> <p>1 let me ask it this way. Is the plaintiff in this</p> <p>2 lawsuit, 22-CCV-070378, is the plaintiff your</p> <p>3 partnership with Mr. Bitgood?</p> <p>4 A. At the time --</p> <p>5 MR. BITGOOD: Object to form.</p> <p>6 A. Okay. At the time the pleading was filed, the</p> <p>7 answer is yes.</p> <p>8 Q. (BY MR. FISHER) Okay. And is the defendant</p> <p>9 Lewis, Brisbois, Bisgaard & Smith, LLP a California</p> <p>10 foreign entity, is that my law firm, the law firm that</p> <p>11 we're sitting in, whose office we're sitting in today?</p> <p>12 MR. BITGOOD: Objection as to form. The</p> <p>13 document speaks for itself. The defendant is the</p> <p>14 California foreign entity.</p> <p>15 Q. (BY MR. FISHER) Okay. Which is my law firm?</p> <p>16 A. Which is at least this office using that name,</p> <p>17 yes.</p> <p>18 Q. Okay. What is the cause of action that gave</p> <p>19 rise to Lewis, Brisbois, Bisgaard & Smith, LLP, a</p> <p>20 California foreign entity, being accused of?</p> <p>21 MR. BITGOOD: Objection, form. The</p> <p>22 document speaks for itself.</p> <p>23 Q. (BY MR. FISHER) This document does not, by the</p> <p>24 way. That's why I'm asking you as the attorney of</p> <p>25 record for the plaintiffs to explain to me what was the</p>
<p>59</p> <p>1 MR. DUNWOODY: Object to form.</p> <p>2 Q. (BY MR. FISHER) The law firm for which this</p> <p>3 office is located and you're sitting in today?</p> <p>4 MR. BITGOOD: Objection as to form.</p> <p>5 A. Yes.</p> <p>6 Q. (BY MR. FISHER) Okay. Now, looking at the</p> <p>7 caption itself, what was the cause of action from the</p> <p>8 plaintiff articulated as Lewis, Brisbois, Bisgaard &</p> <p>9 Smith, LLP against David Oubre?</p> <p>10 A. Sitting here today --</p> <p>11 MR. BITGOOD: Objection, form. Objection</p> <p>12 as to form. Mr. Fisher, are you ever going to ask a</p> <p>13 question about the federal lawsuit? Because it appears</p> <p>14 to me you're litigating state court lawsuit, which you</p> <p>15 already lost.</p> <p>16 Q. (BY MR. FISHER) Please answer the question.</p> <p>17 MR. BITGOOD: The pleading speaks for</p> <p>18 itself, sir. The facts of the pleading are attached as</p> <p>19 your exhibit, so you got --</p> <p>20 MR. FISHER: Please limit your</p> <p>21 participation in this deposition to objection to form,</p> <p>22 Mr. Bitgood.</p> <p>23 MR. BITGOOD: Thank you, sir.</p> <p>24 A. Sitting here today, I don't recall.</p> <p>25 Q. (BY MR. FISHER) You don't know why -- well,</p>	<p>60</p> <p>1 cause of action against my law firm?</p> <p>2 A. This has been a year ago. There's been a lot</p> <p>3 of pleadings filed. I would have to look at the June</p> <p>4 24th, 2022, fourth amended petition including</p> <p>5 declaratory judgment. Part of it -- part of that was to</p> <p>6 declare who had the right to use that name.</p> <p>7 Q. Okay. So let me ask the same question, then.</p> <p>8 Why -- why did your partnership with Mr. Bitgood and why</p> <p>9 did Mr. Bitgood sue Chinasa Ogbureke?</p> <p>10 MR. BITGOOD: Objection as to form.</p> <p>11 A. I don't know that she at this point was still a</p> <p>12 defendant. She was nonsuited at some point.</p> <p>13 Q. (BY MR. FISHER) Why was she sued at all?</p> <p>14 A. I would have to look.</p> <p>15 MR. BITGOOD: Objection as to form. What</p> <p>16 is this? A sanctions hearing?</p> <p>17 A. Mr. Fisher, I would have to look at the</p> <p>18 pleadings. I'm not going to try to guess what was filed</p> <p>19 when. There's been a lot of pleadings filed.</p> <p>20 Q. (BY MR. FISHER) Okay. You're the attorney of</p> <p>21 record. You can't tell me why your partnership and why</p> <p>22 you filed --</p> <p>23 A. Not sitting here.</p> <p>24 Q. -- a pleading --</p> <p>25 A. Not sitting here today.</p>
	<p>61</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>62</p> <p>1 Q. Okay. Well, same question, then. Why did your 2 partnership with Mr. Bitgood and/or Mr. Bitgood and/or 3 Richard Jones file a lawsuit against David Oubre? 4 A. The same answer. Sitting here today, I don't 5 remember the original pleading, which was superceded by 6 an amended pleading, which was superceded by another 7 amended pleading. I don't remember which one we're 8 talking about, so until I can refresh my memory on 9 everything that was filed, I don't have an answer for 10 you. 11 Q. Are there still claims to this day against my 12 law firm, Lewis, Brisbois, Bisgaard & Smith, LLP? 13 MR. BITGOOD: Objection as to form. 14 Q. (BY MR. FISHER) Claims by any of the 15 plaintiffs that are in the lawsuit in County Court 16 Number 3 of Fort Bend County, Texas? 17 MR. BITGOOD: Objection as to form, sir. 18 Q. (BY MR. FISHER) If you know. 19 A. I don't. I'd have to look at the current state 20 of the record and I'm not able to do that. 21 Q. Okay. When did you first become aware that 22 there are lawyers in my law firm, Lewis, Brisbois, 23 Bisgaard & Smith, LLP, that do work as mediators or 24 arbitrators? 25 A. I'm not currently aware of that.</p>	<p>64</p> <p>1 Mr. Helfand actually saying as an officer of the court 2 to Judge Ellison that this was a live -- attaching it as 3 an exhibit and failing to tell him that it had been 4 cancelled, and I'm going to say possibly ten years 5 before. 6 I was quite taken aback. And when I looked 7 on the website, that's -- I wanted to see more about 8 him. 9 (Exhibit 19 marked.) 10 Q. (BY MR. FISHER) I'm going to hand you what 11 I've marked as Exhibit 19 and ask you if you've seen 12 that document before whether in digital form on a screen 13 or whether on a piece of paper. 14 A. I believe -- 15 MR. BITGOOD: Can I see, Mr. Fisher? 16 MR. FISHER: Exhibit 19. 17 MR. BITGOOD: Thank you, sir. 18 MR. FISHER: Bates Number 100. 19 A. I've seen it before. 20 Q. (BY MR. FISHER) Okay. And the registration 21 date? 22 A. February 28th, 2017. 23 Q. Okay. And it's registered in the name of 24 Lewis, Brisbois, Bisgaard & Smith, LLP, correct? 25 MR. DUNWOODY: Object to form.</p>
<p>63</p> <p>1 Q. Did you ever look at the website for -- 2 A. I did. 3 Q. -- our law firm? 4 A. I did. I saw nothing related to mediation or 5 arbitration. 6 Q. Did you look at any of the attorneys in the -- 7 listed in the website in the Houston office? 8 A. Some of them. 9 Q. Some of them? 10 A. Uh-huh. 11 Q. Which ones? 12 A. William Helfand, David Oubre. 13 Q. That was it? 14 A. I believe so. 15 Q. Why Helfand? 16 A. Do you really want an answer to that? 17 Q. I do. 18 A. Okay. I was completely taken aback by false 19 statements made by Mr. Helfand willingly to a federal 20 judge, false documents filed by Mr. Helfand knowing that 21 what he was filing had to be false, failures to tell, 22 for example, Judge Ellison that the certificate of 23 issuance of the trademark, I think it's 32272 -- 322172 24 -- it's like a nine- or seven-digit number had been 25 revoked, had been cancelled by the USPTO despite</p>	<p>65</p> <p>1 A. It's actually registered Lewis, Brisbois, 2 Bisgaard & Smith, LLP, parenthesis, California limited 3 partnership, close parenthesis. 4 Q. (BY MR. FISHER) Okay. That's a fair point. 5 That's a registration with the U.S. Patent and Trademark 6 Office? 7 MR. DUNWOODY: Object to form. 8 A. Yes, sir. 9 Q. (BY MR. FISHER) Okay. Do you remember the 10 first time you've seen this? 11 A. I don't remember the date. 12 Q. Okay. Would you say it was before or after 13 March 9th, 2022? 14 A. It was after. 15 Q. And it's a servicemark, correct? 16 MR. DUNWOODY: Object to form. 17 A. According to the USPTO, yes, it's a 18 servicemark. 19 Q. (BY MR. FISHER) Okay. And the service is? 20 A. Class 45, colon, legal services. 21 Q. Okay. 22 MR. DUNWOODY: Counsel, it's not your 23 contention that that was ever used by anybody in the 24 lawsuit, is it? 25 MR. FISHER: What do you mean that was ever</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 used?</p> <p>2 MR. DUNWOODY: That mark that you just put</p> <p>3 out there that said 19, that LB fanciful logo.</p> <p>4 MR. FISHER: Right, not the logo itself,</p> <p>5 but the name, the name "Lewis, Brisbois, Bisgaard &</p> <p>6 Smith, LLP."</p> <p>7 MR. DUNWOODY: Right, but it's not your</p> <p>8 contention that that registered -- registration number</p> <p>9 5151123 was ever used by anybody in this case?</p> <p>10 MR. FISHER: The logo with the L and the B</p> <p>11 interconnected like that, no, that was never used and</p> <p>12 I'm not contending that.</p> <p>13 (Exhibit 50 marked.)</p> <p>14 Q. (BY MR. FISHER) I'm going to hand you what</p> <p>15 we've marked as Exhibit 50 and ask you if you've -- if</p> <p>16 you recall seeing that letter before?</p> <p>17 A. Yes, I have. That's a September 16th, 2022,</p> <p>18 via e-mail to Mr. Bitgood and to me three days after</p> <p>19 Judge White's rulings from Ms. Lubert, who styles</p> <p>20 herself general counsel, Lewis, Brisbois, Bisgaard &</p> <p>21 Smith, LLP.</p> <p>22 Q. Do you have any reason to believe that that's</p> <p>23 not her title?</p> <p>24 A. Well, I can say that it was her title almost a</p> <p>25 year ago. I don't know what her current title is.</p>	<p>66</p> <p>1 Q. (BY MR. FISHER) Okay. You can't even though</p> <p>2 the testimony by Mr. Bitgood was pretty clear?</p> <p>3 MR. BITGOOD: What testimony is that?</p> <p>4 Objection as to form.</p> <p>5 A. What testimony is it you're talking about?</p> <p>6 You're going to have to show me his testimony if you</p> <p>7 want me to --</p> <p>8 Q. (BY MR. FISHER) You don't remember the hearing</p> <p>9 where Mr. Bitgood said, "Judge, I hear you. Since you</p> <p>10 found that Lewis, Brisbois, Bisgaard & Smith has</p> <p>11 acquired secondary meaning, we will cease and we will</p> <p>12 wind up our partnership or dissolve our partnership."</p> <p>13 Do you remember that testimony?</p> <p>14 MR. DUNWOODY: Object to form.</p> <p>15 A. I don't recall --</p> <p>16 MR. BITGOOD: Objection as to form. I have</p> <p>17 never testified in this case, although I'd love to.</p> <p>18 A. He's never testified in this case. He's never</p> <p>19 been put under oath.</p> <p>20 Q. (BY MR. FISHER) So you think that if you make</p> <p>21 a statement as a party to a federal judge in open court</p> <p>22 that if you're not under oath, it's not testimony?</p> <p>23 MR. DUNWOODY: Object to form.</p> <p>24 Q. (BY MR. FISHER) Or you can lie?</p> <p>25 MR. BITGOOD: Objection as to form.</p>
<p>67</p> <p>1 Q. Okay. But you did receive that letter on</p> <p>2 September 16th, 2022?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And you did not heed the warnings or</p> <p>5 acquiesce to the request of Ms. Lubert, did you?</p> <p>6 MR. BITGOOD: Objection as to form, heed</p> <p>7 the warnings. What is she, a female goddess?</p> <p>8 A. Would you repeat your question? Heed the</p> <p>9 warning? I mean, what warning was there?</p> <p>10 Q. (BY MR. FISHER) Second to last paragraph,</p> <p>11 "Based on the above, we demand that you dissolve</p> <p>12 immediately the entity named Lewis, Brisbois, Bisgaard &</p> <p>13 Smith, LLP, and cease any further activity which serves</p> <p>14 to identify yourself as our law firm.</p> <p>15 MR. BITGOOD: Objection, form. Assumes the</p> <p>16 fact that we were doing such a thing.</p> <p>17 A. Actually, the entity was dissolved within about</p> <p>18 two weeks.</p> <p>19 Q. (BY MR. FISHER) But that was pursuant to a</p> <p>20 finding by Judge Ellison, not pursuant to this letter,</p> <p>21 correct?</p> <p>22 MR. DUNWOODY: Object to form.</p> <p>23 MR. BITGOOD: Objection, assumes a fact not</p> <p>24 in evidence again.</p> <p>25 A. That -- no, I'm not -- I can't agree to that.</p>	<p>68</p> <p>1 A. Excuse me.</p> <p>2 MR. BITGOOD: Mr. Fisher, a statement is a</p> <p>3 statement. Testimony is under oath.</p> <p>4 MR. FISHER: I'm not deposing you today.</p> <p>5 Please limit your participation to objections to the</p> <p>6 form of the question and that's it.</p> <p>7 MR. BITGOOD: Okay. I'm objection to the</p> <p>8 form of the question.</p> <p>9 A. I don't mean to argue with you, but so far as I</p> <p>10 recall, he's never been put under oath in this case.</p> <p>11 Q. (BY MR. FISHER) I heard that.</p> <p>12 A. Okay.</p> <p>13 Q. That's not my followup question. Do you think</p> <p>14 it's okay, then, for a party to make statements in open</p> <p>15 court to a federal judge that are not accurate or not an</p> <p>16 intention of that party if they're not under oath?</p> <p>17 MR. DUNWOODY: Object to form.</p> <p>18 MR. BITGOOD: Ask Helfand that question.</p> <p>19 A. No, I don't think it's okay. You might -- you</p> <p>20 know, as I said, I was taken aback by Mr. Helfand's</p> <p>21 false statements multiple times.</p> <p>22 Q. (BY MR. FISHER) I'm not talking about</p> <p>23 Mr. Helfand. Was Mr. Helfand ever sanctioned? He was</p> <p>24 not, was he?</p> <p>25 A. Not yet.</p>
	<p>69</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 Q. He was not sanctioned in this case, was he?</p> <p>2 A. Nobody has been sanctioned in this case.</p> <p>3 Mr. Easton has not -- Mr. Bitgood has not been</p> <p>4 sanctioned.</p> <p>5 Q. Well, we received \$1,000 check from you --</p> <p>6 A. Yep.</p> <p>7 Q. -- Ms. Norman, which I think was the result of</p> <p>8 a sanction.</p> <p>9 A. Actually, I retract that statement, but that</p> <p>10 was under duress and that's still up for grabs.</p> <p>11 Q. All right. Once again, do you recall the</p> <p>12 statements made or the testimony, however you want to</p> <p>13 characterize it, by Mr. Bitgood when he acknowledged to</p> <p>14 Judge Ellison that because the Court found that Lewis,</p> <p>15 Brisbois, Bisgaard & Smith, LLP has acquired secondary</p> <p>16 meaning that he would or you two would dissolve your</p> <p>17 partnership and not continue to do business under that</p> <p>18 name?</p> <p>19 MR. DUNWOODY: Object to form.</p> <p>20 A. Before I agree that Mr. Bitgood said the exact</p> <p>21 words that you are stating, I will acknowledge that</p> <p>22 he -- that he said that he under -- that he understood</p> <p>23 that Judge Ellison, and I'm using a broad brush, had used</p> <p>24 the term "secondary meaning" and that the Texas entity</p> <p>25 would be dissolved.</p>	<p>70</p> <p>1 you won't agree to it?</p> <p>2 MR. DUNWOODY: Object to form.</p> <p>3 A. No. I'm saying I will not agree to an</p> <p>4 injunction. If there's going to be an injunction --</p> <p>5 here's the problem. Here's part of the problem. This</p> <p>6 lawsuit was brought in a fashion that violates the</p> <p>7 Palmer Doctrine, violates Rooker-Feldman, in</p> <p>8 contravention of Howlett versus Rose.</p> <p>9 This lawsuit was brought for an improper</p> <p>10 purpose because you lost a lawsuit in state court. And</p> <p>11 a federal court does not sit as an appellate court for a</p> <p>12 state court matter until and unless you go all the way</p> <p>13 up to the United States Supreme Court.</p> <p>14 So you have asked Judge Ellison to do</p> <p>15 something that Rooker-Feldman and Palmer and the United</p> <p>16 States Supreme Court says he should not/cannot do, which</p> <p>17 is to override and be the appellate court to undo a</p> <p>18 state court judgment.</p> <p>19 Q. (BY MR. FISHER) All right.</p> <p>20 MR. FISHER: Objection, nonresponsive.</p> <p>21 We're going to take a short break. I want to see if</p> <p>22 I've got anymore questions, and if not, then we'll take</p> <p>23 a lunch break.</p> <p>24 THE VIDEOGRAPHER: We are going off the</p> <p>25 record. The time is 12:25.</p>
<p>71</p> <p>1 Q. (BY MR. FISHER) Your partnership?</p> <p>2 A. Yes.</p> <p>3 Q. All right. Now, did you dissolve that entity</p> <p>4 pursuant to this letter reflected as Exhibit 50?</p> <p>5 A. No.</p> <p>6 Q. Okay. Why did you dissolve the partnership,</p> <p>7 then?</p> <p>8 A. Because it seemed under the circumstances that</p> <p>9 it was the most expeditious way to end this frivolous</p> <p>10 lawsuit.</p> <p>11 Q. All right. Can you tell me why you would not</p> <p>12 agree to an injunction precluding you from ever using</p> <p>13 the words or an entity or a name known as Lewis,</p> <p>14 Brisbois, Bisgaard & Smith, LLP?</p> <p>15 A. Because I am not going to -- as an attorney, I</p> <p>16 will not agree to be enjoined for something that under</p> <p>17 all the facts and circumstances related to this entire</p> <p>18 process without a jury hearing everything. I'm an</p> <p>19 officer of the court.</p> <p>20 I have said I will -- we have dissolved any</p> <p>21 entity which would allow that name to be used. And I</p> <p>22 would be a fool to even consider reforming such an</p> <p>23 entity, so that's -- those are my reasons, part of my</p> <p>24 reasons.</p> <p>25 Q. Okay. So you're saying you wouldn't do it, but</p>	<p>73</p> <p>1 (Break taken from 12:25 p.m. to 12:33 p.m.)</p> <p>2 THE VIDEOGRAPHER: We are going on the</p> <p>3 record. The time is 12:33.</p> <p>4 Q. (BY MR. FISHER) I'm going to hand you --</p> <p>5 MR. FISHER: What exhibit number --</p> <p>6 MS. NGUYEN: We're on 68.</p> <p>7 Q. (BY MR. FISHER) -- what I'm marking as</p> <p>8 Exhibit 68.</p> <p>9 (Exhibit 68 marked.)</p> <p>10 A. Yes, sir.</p> <p>11 Q. (BY MR. FISHER) This is the -- this is similar</p> <p>12 to the document -- it might be -- that was attached to</p> <p>13 the e-mail to Ms. Riede that we sent you, which was</p> <p>14 Exhibit 58. And you said you didn't know whether this</p> <p>15 was filed and so this is a file stamped copy. Can you</p> <p>16 identify this document as such?</p> <p>17 A. I see a file stamp at the top, August 17th,</p> <p>18 2022, at 1:09 p.m.</p> <p>19 Q. And on Page 10, can you confirm that you</p> <p>20 submitted this document?</p> <p>21 A. No, I cannot.</p> <p>22 Q. You cannot?</p> <p>23 A. No, sir.</p> <p>24 Q. Why not?</p> <p>25 A. Because I didn't. If you look on Page 11, it</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 was submitted by Mr. Easton.</p> <p>2 Q. No. I'm looking at Page 10 and it says</p> <p>3 "respectfully submitted." First Mr. Bitgood is on there</p> <p>4 and then you're on there as counsel for Richard P. Jones</p> <p>5 and Lewis, Brisbois, Bisgaard & Smith, LLP.</p> <p>6 MR. BITGOOD: What number is this again?</p> <p>7 MR. DUNWOODY: Objection, form.</p> <p>8 MR. FISHER: It's Exhibit 68.</p> <p>9 MR. BITGOOD: I don't have 68 on my exhibit</p> <p>10 list.</p> <p>11 MR. FISHER: You'll get it.</p> <p>12 MR. BITGOOD: Ms. Norman, what is the</p> <p>13 document, please?</p> <p>14 THE WITNESS: It is the timeline and</p> <p>15 chronology that was sent to Ms. Riede.</p> <p>16 A. I do agree that my signature block is on there.</p> <p>17 I took this to mean that you're saying that I filed it,</p> <p>18 but that's fine.</p> <p>19 Q. (BY MR. FISHER) Do you take responsibility or</p> <p>20 not?</p> <p>21 A. Yes, of course.</p> <p>22 Q. Okay. And you signed it as the attorney for</p> <p>23 Lewis, Brisbois, Bisgaard, and Smith, LLP, did you not?</p> <p>24 A. That's right.</p> <p>25 Q. And at the top of this document, there's</p>	<p>74</p> <p>1 MR. BITGOOD: Thomas Larson filed on</p> <p>2 Bennett's behalf, something like that.</p> <p>3 MR. FISHER: Sir, I'm not taking your</p> <p>4 deposition today. Please confine your comments --</p> <p>5 MR. BITGOOD: Object as to form.</p> <p>6 A. Mr. Fisher, I do not know how the automated</p> <p>7 certificate of service works.</p> <p>8 Q. (BY MR. FISHER) Okay. Do you know why this</p> <p>9 was filed?</p> <p>10 A. Because there have been so many filings, I</p> <p>11 would assume, with so many filings to correlate in one</p> <p>12 place the entire chronology of filings.</p> <p>13 Q. Right, but with most pleadings, there's a</p> <p>14 reason for the pleading to be filed and there's some</p> <p>15 sort of relief requested. Would you agree with me?</p> <p>16 A. Not necessarily.</p> <p>17 Q. Okay. Well, what was the purpose for this</p> <p>18 pleading, then?</p> <p>19 A. I would categorize it probably as a notice.</p> <p>20 That would be a guess on my part.</p> <p>21 Q. Okay. But your name is submitted,</p> <p>22 respectfully --</p> <p>23 A. Right.</p> <p>24 Q. -- with this document.</p> <p>25 A. It's a notice of the chronology of -- it's</p>
<p>75</p> <p>1 letterhead that says "Lewis, Brisbois, Bisgaard & Smith,</p> <p>2 LLP," correct?</p> <p>3 A. That is correct.</p> <p>4 Q. Spelled exactly the same as my law firm,</p> <p>5 correct?</p> <p>6 A. Exactly the same as the California entity, yes.</p> <p>7 Q. And exactly the same as the law firm whose</p> <p>8 office yourself sitting in at this moment, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. Now, if you look at the next page, the</p> <p>11 certificate of service says that Michael Easton</p> <p>12 certified that he served all the parties via the Texas</p> <p>13 e-file system.</p> <p>14 A. That's correct.</p> <p>15 Q. Okay. And then the next page says "Automated</p> <p>16 certificate of e-service," and it says, "Michael Easton</p> <p>17 on behalf of Susan Norman," and it's got your bar</p> <p>18 number, correct?</p> <p>19 A. Right.</p> <p>20 Q. All right. Can you explain to me what that</p> <p>21 means to you?</p> <p>22 A. No, sir. I do not know how the automated</p> <p>23 certificates of service work.</p> <p>24 Q. And do you know whether or how Michael Easton</p> <p>25 can file something on your behalf?</p>	<p>77</p> <p>1 pretty self-explanatory.</p> <p>2 Q. Okay. So at the bottom of Page 10 on the right</p> <p>3 side where you signed it, it says you're signing as</p> <p>4 counsel for Lewis, Brisbois, Bisgaard & Smith, LLP?</p> <p>5 A. That's right.</p> <p>6 Q. Were you signing on behalf of my law firm known</p> <p>7 as Lewis, Brisbois, Bisgaard & Smith, LLP?</p> <p>8 A. No, sir.</p> <p>9 Q. The same law firm whose office you're sitting</p> <p>10 in at this moment?</p> <p>11 A. No, sir. Because if you'll notice on the first</p> <p>12 page, your law firm is identified as Lewis, Brisbois,</p> <p>13 Bisgaard & Smith, LLP, a California foreign entity.</p> <p>14 MR. BITGOOD: Hey, Jay -- I'm sorry. I'm</p> <p>15 calling my caregivers. Jay --</p> <p>16 MR. FISHER: If this keeps up, I'm going to</p> <p>17 just shut it down and if he wants to go whine to Judge</p> <p>18 Ellison, I don't care. But I'm trying to take a</p> <p>19 deposition. We're trying to accommodate him. This is</p> <p>20 not very accommodating. This is disruptive and it's</p> <p>21 been going on now for hours.</p> <p>22 MR. DUNWOODY: We all get annoyed at time</p> <p>23 to time at things that happen in depositions and I think</p> <p>24 we can probably suffer through it and keep him in the</p> <p>25 fold.</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 MR. FISHER: Well, I've been suffering</p> <p>2 through it first several weeks ago and now today. It's</p> <p>3 taking up my time.</p> <p>4 MR. DUNWOODY: As lawyers, sometimes we</p> <p>5 have to deal with insufferable things and still suffer</p> <p>6 through them.</p> <p>7 MR. BITGOOD: I was calling for my</p> <p>8 caregiver. If you have a problem with that, you can go</p> <p>9 ahead and call the judge.</p> <p>10 MR. FISHER: I'm not going to call the</p> <p>11 judge. I'm just going to shut you off for your</p> <p>12 participation in this deposition. You can read about it</p> <p>13 later.</p> <p>14 THE WITNESS: Then you'll shut me off from</p> <p>15 testifying, so take your pick.</p> <p>16 MR. DUNWOODY: We don't have to do the</p> <p>17 threats and all this. This is --</p> <p>18 THE WITNESS: Let's just get this done.</p> <p>19 MR. BITGOOD: Mr. Fisher, I'll be leaving</p> <p>20 the screen for a few minutes so you can go on and do</p> <p>21 what you need to do.</p> <p>22 Q. (BY MR. FISHER) This is another example of a</p> <p>23 pleading that was filed under the name "Lewis, Brisbois,</p> <p>24 Bisgaard & Smith, LLP," correct?</p> <p>25 A. Yes.</p>	78	<p>1 sitting in today?</p> <p>2 A. Yes.</p> <p>3 Q. And if she was still an associate in this law</p> <p>4 firm, would you still be pursuing a cause of action</p> <p>5 against her?</p> <p>6 A. It would be speculation on my part to answer</p> <p>7 that, so the answer is I don't know.</p> <p>8 Q. Okay. And again, this is a pleading in the</p> <p>9 county court case, County Court At Law Number 3 in Fort</p> <p>10 Bend County, Case Number 22-CCV-070378, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And the heading on this pleading is a</p> <p>13 letterhead that reflects Lewis, Brisbois, Bisgaard &</p> <p>14 Smith, LLP, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And in the caption of this lawsuit, there's a</p> <p>17 plaintiff named Lewis, Brisbois, Bisgaard & Smith, LLP?</p> <p>18 A. Yes.</p> <p>19 Q. And there's a defendant that is reflected as</p> <p>20 Lewis, Brisbois, Bisgaard & Smith, LLP a California</p> <p>21 foreign entity?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. But you didn't say on here California</p> <p>24 foreign entity authorized to do business in Texas, did</p> <p>25 you?</p>	80
<p>1 Q. (BY MR. FISHER) And it was a public filing; is</p> <p>2 that correct?</p> <p>3 A. That's correct.</p> <p>4 Q. I'm going to hand you -- oh, what was the date</p> <p>5 on that filing, by the way?</p> <p>6 A. August 17th, 2022.</p> <p>7 Q. And the time?</p> <p>8 A. 1:09 p.m.</p> <p>9 Q. Okay. The reason why I asked is because I'm</p> <p>10 going to hand you another document we're going to mark</p> <p>11 as Exhibit 69.</p> <p>12 (Exhibit 69 marked.)</p> <p>13 Q. (BY MR. FISHER) And this one is the same date</p> <p>14 but a couple of hours later. And I'm going to ask you</p> <p>15 to identify that document.</p> <p>16 A. This is the notice over partial nonsuit as to</p> <p>17 Chinasa Ogbureke.</p> <p>18 Q. All right. And when was this filed?</p> <p>19 A. August 17th, 2022, 5:36 p.m.</p> <p>20 Q. Okay. And can you tell the Court why this was</p> <p>21 filed?</p> <p>22 A. To the best of my recollection, it was filed</p> <p>23 because we realized that -- or found out that she was no</p> <p>24 longer with the California foreign entity.</p> <p>25 Q. Also known as my law firm whose office you're</p>	79	<p>1 A. No.</p> <p>2 Q. But that was, in fact, correct if you put that</p> <p>3 on there?</p> <p>4 MR. DUNWOODY: Object to form.</p> <p>5 A. I'm sorry. Say that again.</p> <p>6 Q. (BY MR. FISHER) On August 17th, 2022, even you</p> <p>7 would admit that Lewis, Brisbois, Bisgaard & Smith, LLP,</p> <p>8 a California foreign limited liability partnership whose</p> <p>9 office you're sitting in today, was authorized to do</p> <p>10 business in the state of Texas?</p> <p>11 A. Yes, it was.</p> <p>12 Q. Okay. And on your signature block on Page 2,</p> <p>13 your -- under your signature, it's reflected as counsel</p> <p>14 for Richard P. Jones and Lewis, Brisbois, Bisgaard &</p> <p>15 Smith, LLP, correct?</p> <p>16 A. That is -- yes. And it's consistent with the</p> <p>17 plaintiff as opposed to the defendant.</p> <p>18 Q. And I'm glad that you made that distinction</p> <p>19 because without which I would not know that there was a</p> <p>20 distinction, so thank you.</p> <p>21 MR. DUNWOODY: Object to the sidebar.</p> <p>22 Q. (BY MR. FISHER) I'm going to mark the next</p> <p>23 document as Exhibit 70 and hand this to you and ask if</p> <p>24 you've seen that before?</p> <p>25 (Exhibit 70 marked.)</p>	81

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>82</p> <p>1 A. Yes, I have.</p> <p>2 Q. Okay. And this pleading was filed on what</p> <p>3 date?</p> <p>4 A. August the 16th, 2022.</p> <p>5 Q. And it again is filed under the banner of the</p> <p>6 name "Lewis, Brisbois, Bisgaard & Smith, LLP," correct?</p> <p>7 A. That's correct.</p> <p>8 Q. And this was filed by your partner at the time,</p> <p>9 Michael Bitgood, correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And did you -- when is the first time</p> <p>12 you saw this pleading?</p> <p>13 A. Well, I think possibly when I was served with</p> <p>14 it at -- well, I wasn't awake at 12:42 a.m., but it was</p> <p>15 served electronically by automated certificate of</p> <p>16 service at 12:42 a.m., although file stamped at</p> <p>17 8:12 a.m.</p> <p>18 (Exhibit 71 marked.)</p> <p>19 Q. (BY MR. FISHER) All right. I'm going to hand</p> <p>20 you what I'm marking as Exhibit 71 and ask you if you've</p> <p>21 seen that document before?</p> <p>22 A. Yes, I have.</p> <p>23 Q. Okay. And you filed this on behalf of Richard</p> <p>24 P. Jones and Lewis, Brisbois, Bisgaard & Smith, which</p> <p>25 here you say is a Texas domestic LLP in your signature</p>	<p>84</p> <p>1 A. Yes.</p> <p>2 Q. Can you turn to that?</p> <p>3 A. Yes.</p> <p>4 Q. And that is a settlement offer for Karina</p> <p>5 Martinez; is it not?</p> <p>6 A. Well, Exhibit A is actually a request for</p> <p>7 mandatory judicial notice.</p> <p>8 Q. Well, there's two Exhibit As.</p> <p>9 A. No, there's --</p> <p>10 Q. So I'm going to ask you to look at the second</p> <p>11 Exhibit A.</p> <p>12 A. Well, there's Exhibit A to Exhibit A.</p> <p>13 Q. Okay. That's confusing. So if you can -- if</p> <p>14 you can page down one, two, three, four, five pages,</p> <p>15 then do you see settlement offer for Karina Martinez?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And that was filed as part of this</p> <p>18 public record, correct?</p> <p>19 A. Yes, it was.</p> <p>20 Q. And if you take a look at the top, this is</p> <p>21 filed under the banner "Lewis, Brisbois, Bisgaard &</p> <p>22 Smith, LLP" and it is -- it looks like it's then written</p> <p>23 to David Oubre. Do you see that?</p> <p>24 A. I do.</p> <p>25 Q. All right.</p>
<p>83</p> <p>1 block on Page 2?</p> <p>2 A. Yes.</p> <p>3 Q. So you don't always differentiate between my</p> <p>4 law firm whose office you're sitting in today, which is</p> <p>5 a California limited liability partnership authorized to</p> <p>6 do business in Texas, from the partnership between you</p> <p>7 and Mr. Bitgood, which claims to be solely a Texas</p> <p>8 domestic LLP, but I think we've shown is really a</p> <p>9 general partnership, correct?</p> <p>10 MR. DUNWOODY: Object to form.</p> <p>11 Q. (BY MR. FISHER) No distinction?</p> <p>12 A. Objection, form. If the answer is do I always</p> <p>13 put a domestic -- did I always -- was a Texas domestic</p> <p>14 LLP always placed after --</p> <p>15 Q. After the name.</p> <p>16 A. -- in my signature block, the answer is, no,</p> <p>17 not always.</p> <p>18 Q. Okay. Now, attached as Exhibit A to this</p> <p>19 document, this is filed in Fort Bend County, Court At</p> <p>20 Law Number 3?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. Public record?</p> <p>23 A. Yep.</p> <p>24 Q. All right. And attached to this pleading is</p> <p>25 Exhibit A?</p>	<p>85</p> <p>1 (Zoom interruption.)</p> <p>2 Q. (BY MR. FISHER) If you take a look at the next</p> <p>3 two pages, which this is Page 5 of 7 and 6 of 7 and Page</p> <p>4 7 of 7.</p> <p>5 A. Yep.</p> <p>6 Q. Do you see that it's approved by Susan C.</p> <p>7 Norman for Richard P. Jones and Lewis, Brisbois,</p> <p>8 Bisgaard & Smith, LLP, correct?</p> <p>9 A. Yes.</p> <p>10 Q. Then you CC Brad Beers. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Why was Brad Beers copied?</p> <p>13 A. I don't remember.</p> <p>14 Q. Did he represent any of the parties in the</p> <p>15 County Court At Law Number 3 lawsuit in Fort Bend</p> <p>16 County?</p> <p>17 A. Yes, I believe he did.</p> <p>18 MR. FISHER: How do we shut this off?</p> <p>19 THE VIDEOGRAPHER: He can mute himself.</p> <p>20 MR. FISHER: Well, of course he can. He's</p> <p>21 not an idiot. He's doing this on purpose.</p> <p>22 THE WITNESS: No, he's not.</p> <p>23 MR. FISHER: Really? We've been putting up</p> <p>24 this. Now this is the second day of deposition.</p> <p>25 THE WITNESS: I can tell you he's not doing</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE**Videotaped Deposition of Vol 2 Susan C. Norman**

<p>1 anything on purpose.</p> <p>2 MR. FISHER: So is he an idiot or does he</p> <p>3 not know what he's doing?</p> <p>4 MR. DUNWOODY: Really?</p> <p>5 THE WITNESS: I don't think he realizes --</p> <p>6 MR. DUNWOODY: You know better than to do</p> <p>7 the name calling. You're better than that.</p> <p>8 THE VIDEOGRAPHER: I can mute him on my</p> <p>9 end.</p> <p>10 MR. DUNWOODY: There you go.</p> <p>11 MR. FISHER: Great. Okay. What was my</p> <p>12 last question?</p> <p>13 MR. DUNWOODY: Is he an idiot, something</p> <p>14 that effect.</p> <p>15 MR. FISHER: Before that.</p> <p>16 (Requested portion was read.)</p> <p>17 Q. (BY MR. FISHER) Okay. Who did Mr. Beers</p> <p>18 represent?</p> <p>19 A. I believe he represented Michael Easton in</p> <p>20 this, Michael Bitgood.</p> <p>21 Q. Oh, okay. Because I see Michael Bitgood filing</p> <p>22 pleadings on his own behalf on August 16th and 17th and</p> <p>23 times before and after that.</p> <p>24 A. You'll have to talk with Mr. Beers about the</p> <p>25 scope of his representation. It's not for me to say.</p>	<p>86</p> <p>1 looking after me. I cannot move from this chair.</p> <p>2 Maybe you don't understand the gravity of</p> <p>3 the surgery I underwent, but I'm still not walking, so</p> <p>4 to move from place to place, I have to be wheeled.</p> <p>5 Occasionally, you'll hear me call for my caregiver.</p> <p>6 That's all that's going on.</p> <p>7 MR. FISHER: Okay. Well, you can mute</p> <p>8 yourself on that end.</p> <p>9 MR. BITGOOD: I didn't know that. Sir, let</p> <p>10 me explain something to you. This is an iPad I'm using.</p> <p>11 I'm not as technologically advanced as some. So if</p> <p>12 there's a way to mute it, show me the screen how to --</p> <p>13 there, I see it now. Mute. I see the microphone now.</p> <p>14 If that happens again, sir, I promise you I will mute my</p> <p>15 end of the conversation.</p> <p>16 MR. FISHER: Thank you.</p> <p>17 MR. BITGOOD: I apologize for disrupting</p> <p>18 the deposition.</p> <p>19 Q. (BY MR. FISHER) I've handed you what's been</p> <p>20 marked as Exhibit 72. And can you describe this</p> <p>21 document for the Court?</p> <p>22 A. It's the plaintiff's third amended petition for</p> <p>23 declaratory relief and application for temporary</p> <p>24 injunction pending trial filed in the 22-CCV-070378 case</p> <p>25 on June 15th, 2022.</p>
<p>87</p> <p>1 Q. Okay. I'm just asking what you know. Do you</p> <p>2 know?</p> <p>3 A. No.</p> <p>4 Q. Okay.</p> <p>5 MR. FISHER: Are we up to 72?</p> <p>6 MS. NGUYEN: Yes.</p> <p>7 (Exhibit 72 marked.)</p> <p>8 Q. (BY MR. FISHER) Ms. Norman, I'm going to hand</p> <p>9 you what I've marked as Exhibit 72.</p> <p>10 THE WITNESS: Would you please unmute</p> <p>11 Mr. Bitgood so that he --</p> <p>12 MR. FISHER: He can hear.</p> <p>13 THE WITNESS: No, he's going to have to be</p> <p>14 able to make an objection if he's going to do that.</p> <p>15 THE VIDEOGRAPHER: I can ask him to unmute,</p> <p>16 but he has to do it on his side.</p> <p>17 MR. BITGOOD: Mr. Fisher, can I take a</p> <p>18 moment of your time, please? Mr. Fisher?</p> <p>19 MR. FISHER: Yes. You've taken up quite a</p> <p>20 few moments, so what's one more, I guess.</p> <p>21 MR. BITGOOD: Mr. Fisher, please. I am,</p> <p>22 number one, disabled. I'm in a wheelchair. When I have</p> <p>23 to call for my caregiver, it's for good reason. I'm not</p> <p>24 trying to disrupt your deposition. My objections have</p> <p>25 been minimal. I have caregivers around the clock</p>	<p>89</p> <p>1 Q. And this is in County Court Number 3 of Fort</p> <p>2 Bend County?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Did you prepare this pleading?</p> <p>5 A. My signature block --</p> <p>6 MR. BITGOOD: Objection, form.</p> <p>7 A. My signature block is on it.</p> <p>8 Q. (BY MR. FISHER) Yes, your signature block is</p> <p>9 there, so I asked if you prepared this pleading or</p> <p>10 whether somebody prepared it for you.</p> <p>11 A. I don't recall. This looks like my format.</p> <p>12 Q. Okay. So that would be a yes?</p> <p>13 A. Yes.</p> <p>14 Q. And here you signed as counsel for Richard P.</p> <p>15 Jones and Lewis, Brisbois, Bisgaard & Smith, LLP a Texas</p> <p>16 domestic partnership?</p> <p>17 A. Yes.</p> <p>18 Q. And attached as Exhibit A is an assumed name</p> <p>19 certificate?</p> <p>20 MR. BITGOOD: What number is this again,</p> <p>21 Mr. Fisher?</p> <p>22 THE WITNESS: 72.</p> <p>23 MR. FISHER: Exhibit 72.</p> <p>24 MR. BITGOOD: And mine end at 57.</p> <p>25 MR. FISHER: We'll send them to you.</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 MR. BITGOOD: Can you send it now so I can 2 see it, please? 3 MR. FISHER: We'll send it in a little 4 while. 5 MR. BITGOOD: Thank you. 6 Q. (BY MR. FISHER) Ms. Norman? 7 A. Yes, sir. 8 Q. That's an assumed name certificate that's 9 attached, correct? 10 A. That is. 11 Q. Okay. And this appears to have been filed by 12 Mr. Bitgood? 13 A. Yes. 14 MR. BITGOOD: Again, I'm going to object. 15 I cannot make objections to an exhibit that you will not 16 furnish us. I would ask the witness to wait until that 17 exhibit has been furnished to everybody. 18 MR. FISHER: I'm going to tell you what 19 we're going to do, then. We're going to take a lunch 20 break and I'm going to send by e-mail or have somebody 21 send by e-mail the Exhibits 67 through 72. And then 22 let's mark all these and send these as well. 23 MR. BITGOOD: Thank you. 24 MR. DUNWOODY: Yeah, unless there's 25 something super secretive there, my guess is it's not.</p>	<p>90 1 Q. (BY MR. FISHER) What's the nature of your -- 2 reason for your objection? 3 A. Well, first of all, it's attorney/client 4 privilege and work product privilege. I will confirm 5 that the document is filed on June 21st, 2022, at 6 12:00 a.m. -- it says 12:00 a.m. up at the top. I 7 confirm that my signature block is on Page 8, but other 8 than that, I've got the attorney/client privilege with 9 Mr. Jones and work product privilege. So the document 10 speaks for itself. 11 Q. Well, the document itself can't be privileged. 12 It was filed of public record in Fort Bend County, was 13 it not? 14 A. Absolutely. I agree with that. 15 Q. Okay. 16 MR. BITGOOD: Then read it. 17 Q. (BY MR. FISHER) It was filed in County Court 18 At Law Number 3, Fort Bend County? 19 A. It was. 20 Q. Okay. And on your signature block, you confirm 21 that you are counsel for Richard P. Jones and Lewis, 22 Brisbois, Bisgaard & Smith, LLP, which you then describe 23 as a Texas domestic partnership, correct? 24 A. That's correct. 25 (Exhibit 74 marked.)</p>
<p>91 1 Just send us a copy of whatever you think you might use 2 and we can find it and then we'll get it. 3 MR. FISHER: Well give you give you hard 4 copies now, so all we're going to do is send it to one 5 person, but I'll send everything to you later digitally 6 if we want. 7 THE COURT REPORTER: Do we want to go off 8 the record? 9 MR. FISHER: Yes. I'm sorry. 10 THE VIDEOGRAPHER: Going off the record. 11 The time is 1 o'clock. 12 (Break taken from 1:00 p.m. to 2:01 p.m.) 13 (Exhibit 73 marked.) 14 THE VIDEOGRAPHER: Going on the record. 15 The time is 2:01. 16 Q. (BY MR. FISHER) Good afternoon, Ms. Norman. 17 A. Hello. 18 Q. I'm going to hand you what's been marked as 19 Exhibit 73. And can you confirm for me that that is 20 plaintiff's reply to defendant's response to motion to 21 show authority, and that is -- was filed on June 21st, 22 2022, at 12:00 a.m.? 23 MR. BITGOOD: Object as to form. The 24 document speaks for itself. 25 A. I also object as to form and --</p>	<p>93 1 Q. (BY MR. FISHER) All right. Now I'm going to 2 hand you what we've marked as Exhibit 74 and ask you if 3 you've seen that document before? 4 A. My signature block appears on Page 3. 5 Q. Wait. Answer my question first. 6 A. Well, I'm telling you -- 7 Q. Have you seen this before? 8 A. Yes, I've seen it before. 9 Q. Okay. 10 A. And the reason I know I've seen it before is 11 because my signature block appears. 12 Q. Okay. 13 A. It was filed June 23rd, 2022, 10:52 a.m. 14 Q. And once again, you're purporting to represent 15 Richard P. Jones and Lewis, Brisbois, Bisgaard & Smith, 16 LLP, a Texas domestic partnership? 17 A. I represent Richard P. Jones. Lewis, Brisbois, 18 Bisgaard & Smith, a Texas domestic partnership has been 19 shut down, so to speak, with the Secretary of State and 20 is no longer in existence. 21 Q. All right. 22 MR. FISHER: Objection, nonresponsive after 23 you said who you represent and excluding your commentary 24 that the partnership has been shut down. 25 (Exhibit 75 marked.)</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>94</p> <p>1 Q. (BY MR. FISHER) I'm going to hand you what's 2 been marked as Exhibit 75 and ask you to identify this 3 document for the record.</p> <p>4 A. It is entitled "Motion to Strike the JP Court 5 and Jury Demand and Request For Judicial Notice Under 6 Texas Rule of Evidence 201" filed June 24th, 2022, in 7 County Court At Law Number 3 of Fort Bend County, Texas.</p> <p>8 It contains my signature block on page 7, 9 counsel for Richard P. Jones and Lewis, Brisbois, 10 Bisgaard & Smith, LLP, a Texas domestic partnership.</p> <p>11 Q. All right. Did you draft this document, this 12 pleading?</p> <p>13 MR. BITGOOD: Objection, work product, 14 joint defense privilege. That is a privilege Mr. --</p> <p>15 Q. (BY MR. FISHER) You can answer.</p> <p>16 A. No.</p> <p>17 MR. BITGOOD: No, she doesn't have to 18 answer.</p> <p>19 A. No, I'm not going to answer because --</p> <p>20 Q. (BY MR. FISHER) You're not going to answer 21 whether you drafted this document?</p> <p>22 A. I've got a work product privilege with 23 Mr. Jones.</p> <p>24 Q. I didn't ask you -- well, Mr. Jones is not -- 25 is Mr. Jones still a defendant in this case?</p>	<p>96</p> <p>1 question. You don't need to look. We can just move on.</p> <p>2 A. It appears to be the same document filed at 3 6:39 a.m. on June 24th. Same document, same -- assert 4 the same privileges.</p> <p>5 (Exhibit 77 marked.)</p> <p>6 Q. (BY MR. FISHER) All right. I'm going to hand 7 you what we've marked as Exhibit 77 and ask you to 8 identify this document for the record.</p> <p>9 A. Plaintiff's fourth amended petition for 10 declaratory relief and application for temporary 11 injunction pending trial filed on June 24th, 2022, at 12 8:39 a.m.</p> <p>13 Plaintiff Richard Jones -- P. Jones, 14 Michael Joseph Bitgood, Lewis, Brisbois, Bisgaard & 15 Smith, LLP, filed in the County Court At Law Number 3 of 16 Fort Bend County, Texas versus Karina Martinez, Marianna 17 Sullivan, Imperial Lofts, LLC, David Oubre, Chinasa 18 Ogbureke, Lewis, Brisbois, Bisgaard & Smith, a 19 California foreign entity by me with my signature block, 20 counsel for Richard P. Jones, Lewis, Brisbois, Bisgaard 21 & Smith, a Texas domestic partnership.</p> <p>22 Q. Do you know if this was the pleading that added 23 Lewis, Brisbois, Bisgaard & Smith, LLP, the California 24 limited liability partnership whose office you're 25 sitting in today as a party?</p>
<p>95</p> <p>1 A. Yes, he is. And the document speaks for 2 itself.</p> <p>3 Q. All right. But you're not going to answer the 4 simple question whether you drafted this pleading?</p> <p>5 A. No, sir, I'm not.</p> <p>6 Q. All right. And you did --</p> <p>7 A. Under the work product privilege and the 8 attorney/client privilege.</p> <p>9 Q. I don't agree that that privilege applies to my 10 question, but you did submit this document to the court 11 and filing of public record, correct?</p> <p>12 A. Yes.</p> <p>13 (Exhibit 76 marked.)</p> <p>14 Q. (BY MR. FISHER) Okay. I'm going to hand you 15 what we've marked as Exhibit 76 and ask you if you have 16 seen this document before?</p> <p>17 MR. BITGOOD: Same document.</p> <p>18 Q. (BY MR. FISHER) It appears to be the same 19 document as 75?</p> <p>20 A. Well, I'm going --</p> <p>21 Q. So I'll withdraw that question.</p> <p>22 A. I'm going to look at each page, if you don't 23 mind.</p> <p>24 Q. I don't mind.</p> <p>25 MR. DUNWOODY: He's withdrawing the</p>	<p>97</p> <p>1 A. Well, the document speaks for itself and I'm -- 2 farther than the document speaking for itself, I'm going 3 to object under attorney/client privilege, a work 4 product privilege.</p> <p>5 Q. How do those privileges apply to asking a 6 simple question about whether this is the first time 7 that -- or the first pleading that you sued Lewis, 8 Brisbois, Bisgaard & Smith, my law firm?</p> <p>9 MR. BITGOOD: Objection. Ms. Norman, if 10 you're asserting a privilege, either stand on the 11 privilege or answer his question.</p> <p>12 THE WITNESS: I was getting ready to make 13 my response to that.</p> <p>14 A. The document speaks for itself. I would have 15 to look back at number -- third amended petition.</p> <p>16 Q. (BY MR. FISHER) All right. So in the 17 signature block on Page 14, you state that you are 18 representing Richard P. Jones and Lewis, Brisbois, 19 Bisgaard & Smith, LLP, a Texas domestic partnership?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Of the same name as the law firm whose office 22 you're sitting in now and so --</p> <p>23 A. No, sir. That's incorrect.</p> <p>24 Q. Okay. You're suing Lewis Brisbois in this 25 document, in this pleading?</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 A. And if you'll notice on page --</p> <p>2 Q. And you're representing a client or you're</p> <p>3 representing Lewis, Brisbois, Bisgaard & Smith, LLP and</p> <p>4 you are suing Lewis, Brisbois, Bisgaard & Smith, LLP,</p> <p>5 and the only distinction seems to be it's a</p> <p>6 California --</p> <p>7 A. A California entity.</p> <p>8 Q. Right. But it's the same name, right?</p> <p>9 A. Well, not -- the first -- first four names with</p> <p>10 the entity designation are the same, but there's a</p> <p>11 qualification of a California foreign entity and then a</p> <p>12 Texas domestic partnership, so not exactly the same</p> <p>13 name.</p> <p>14 Q. Okay. So you think that's enough of a</p> <p>15 distinction for the public?</p> <p>16 MR. BITGOOD: Objection as to form what the</p> <p>17 public thinks.</p> <p>18 A. That would be speculation on my part as to --</p> <p>19 we're going to object under speculation. I don't know</p> <p>20 what the public thinks.</p> <p>21 Q. (BY MR. FISHER) So you have no opinion as to</p> <p>22 whether that would be confusing or not?</p> <p>23 A. Oh, I think there's absolutely no -- no chance</p> <p>24 of confusion.</p> <p>25 Q. Well, how can you think that if you can't</p>	<p>98</p> <p>1 known then that there are lawyers who are employees and</p> <p>2 who are members of Lewis, Brisbois, Bisgaard & Smith,</p> <p>3 this law office for which you're sitting in today or at</p> <p>4 which you're sitting in today that do conduct mediations</p> <p>5 and arbitrations, right?</p> <p>6 A. I don't know that for a fact.</p> <p>7 Q. You still don't know that?</p> <p>8 A. I still don't know that, no.</p> <p>9 Q. Okay. So after almost a year of litigation,</p> <p>10 you don't know that there are attorneys here who mediate</p> <p>11 or arbitrate cases?</p> <p>12 MR. DUNWOODY: Object to form.</p> <p>13 A. Objection, form. You're arguing -- let me tell</p> <p>14 you, at the time that your website was checked on the</p> <p>15 scope of what lawyers did, I found nothing talking about</p> <p>16 mediation and arbitration. Whether or not individual</p> <p>17 lawyers may conduct mediations or may do mediations or</p> <p>18 arbitrations, I don't know.</p> <p>19 Q. (BY MR. FISHER) Did you hear Bill Helfand tell</p> <p>20 the judge that he has mediated and arbitrated cases?</p> <p>21 MR. BITGOOD: Objection as to what Bill</p> <p>22 Helfand said.</p> <p>23 A. I don't recall hearing that.</p> <p>24 Q. (BY MR. FISHER) Okay.</p> <p>25 A. Whether -- he may have said it. I'm not</p>
<p>99</p> <p>1 speculate for the public?</p> <p>2 A. That would be my belief. As far as the public</p> <p>3 goes, one's a California foreign LLP and one is a</p> <p>4 domestic LLP.</p> <p>5 Q. Okay. Both providing legal services, correct?</p> <p>6 MR. DUNWOODY: Object to form.</p> <p>7 MR. BITGOOD: We do not -- objection as to</p> <p>8 form.</p> <p>9 A. Actually, no.</p> <p>10 Q. (BY MR. FISHER) No? What was your partnership</p> <p>11 with Mr. Easton about, then, if it wasn't legal</p> <p>12 services? Was it selling hamburgers?</p> <p>13 A. Well, as you know --</p> <p>14 MR. DUNWOODY: Object to form.</p> <p>15 MR. BITGOOD: Objection to the form,</p> <p>16 sarcasm.</p> <p>17 A. Mediation and arbitration are not necessarily</p> <p>18 legal services because you do not have to be a lawyer to</p> <p>19 mediate or arbitrate.</p> <p>20 Q. (BY MR. FISHER) I didn't say you had to be.</p> <p>21 A. Okay.</p> <p>22 Q. There's plenty of examples where mediators and</p> <p>23 arbitrators are not lawyers, right?</p> <p>24 A. That's correct.</p> <p>25 Q. Well, at least you know now and could have</p>	<p>100</p> <p>1 disputing it, but --</p> <p>2 Q. Do you recall that Kent Altsuler did testify in</p> <p>3 the preliminary injunction hearing that he does nothing</p> <p>4 but mediations as his practice?</p> <p>5 A. I don't recall that, but that may be true. I'm</p> <p>6 not doubting that he may have said that.</p> <p>7 (Exhibit 78 marked.)</p> <p>8 Q. (BY MR. FISHER) I'm going to hand you what</p> <p>9 we've marked as Exhibit 78 and ask you to identify -- is</p> <p>10 this not this -- no, this is different. Yeah, can you</p> <p>11 identify this document?</p> <p>12 A. It is entitled "Plaintiff's Reply to</p> <p>13 Defendant's Amended," in quotes, "Response to the Motion</p> <p>14 to Show Authority and Motion to Strike the 'affidavits'</p> <p>15 of Larson, Sullivan and Martinez filed on July 11, 2022,</p> <p>16 at 9:16 a.m. in Cause Number 22-CCV-070378, County Court</p> <p>17 At Law Number 3 of Fort Bend County, Texas.</p> <p>18 Q. Okay. And once again in the caption of this</p> <p>19 lawsuit, there's a Lewis, Brisbois, Bisgaard & Smith</p> <p>20 suing a Lewis, Brisbois, Bisgaard & Smith, correct?</p> <p>21 A. A California foreign LLP.</p> <p>22 Q. Okay.</p> <p>23 A. There is a distinction.</p> <p>24 Q. And on Page 7, your signature block indicates</p> <p>25 you respectfully submitted this pleading on behalf of</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 Richard P. Jones and Lewis, Brisbois, Bisgaard & Smith, 2 a Texas domestic partnership? 3 A. That's correct. 4 (Exhibit 79 marked.) 5 Q. (BY MR. FISHER) Okay. I'm going to hand you 6 what's been marked as Exhibit 79 and ask you to identify 7 this document. 8 A. It's entitled "Motion to Strike the 9 'affidavits' of Larson, Sullivan and Martinez," filed 10 July 12th, 2022, at 5:49 p.m. in Cause Number 11 22-CCV-070378, County Court At Law Number 3 of Fort Bend 12 County, Texas. 13 Q. All right. And once again, you are 14 representing Richard P. Jones and Lewis, Brisbois, 15 Bisgaard & Smith, LLP, a Texas domestic partnership, 16 correct? 17 A. That's correct. 18 Q. Did you draft this pleading? 19 MR. BITGOOD: Objection, defense privilege. 20 Q. (BY MR. FISHER) You can answer that question. 21 A. I'm asserting attorney/client or work product 22 privilege. My signature block appears, so it was filed 23 by me. 24 Q. And you're responsible for the contents, 25 correct?</p>	102	<p>1 With Incorporated Motion to Strike the 'affidavits' of 2 Larson, Sullivan, and Martinez filed in County Court At 3 Law Number 3 of Fort Bend County, Texas by plaintiffs 4 including Lewis, Brisbois, Bisgaard & Smith versus 5 defendants -- individual defendants distinguishing 6 Lewis, Brisbois, Bisgaard & Smith, a California foreign 7 LLP. 8 And it's filed with my signature block for 9 Richard P. Jones and Lewis, Brisbois, Bisgaard & Smith, 10 a California -- the Texas domestic partnership with 11 various exhibits attached. 12 Q. All right. And you filed this pleading? 13 A. My signature block appears and I'm responsible 14 for this pleading. 15 Q. Okay. Well, as much as -- 16 A. And there are other attachments to this. 17 Q. Sure. But as much as -- or in as much as you 18 signed this certificate of service, is it fair to say 19 that you're the one who filed this? 20 A. I'm prepared to say that it's filed with my 21 authority. 22 Q. Okay. And you see the declaration of custodian 23 on there? 24 A. Yes. 25 Q. Okay. Can you tell me what that means to you,</p>	104
<p>1 A. That's correct. 2 (Exhibit 80 marked.) 3 Q. (BY MR. FISHER) I'm going to hand you what 4 we've marked as Exhibit 80 and I'll ask you to identify 5 that document. 6 A. It's entitled "Plaintiff's Reply to Defendant's 7 'Amended' Plus 'Amended' Response to the Motion to Show 8 Authority" filed July 12th, 2022, at 5:52 p.m. It's 9 filed by Richard P. Jones, Michael Joseph Bitgood a/k/a 10 Michael Easton, and Lewis, Brisbois, Bisgaard & Smith, 11 LLP against multiple individual defendants and Lewis, 12 Brisbois, Bisgaard & Smith, a California foreign LLP. 13 Q. Okay. 14 A. Filed on behalf of Richard P. Jones -- by me on 15 behalf of Richard P. Jones and the Texas domestic 16 partnership of Lewis, Brisbois, Bisgaard & Smith. 17 Q. And once again, it's filed in County Court At 18 Law Number 3 of Fort Bend County, correct? 19 A. Yes. 20 (Exhibit 81 marked.) 21 Q. (BY MR. FISHER) I'm going to hand you what 22 we've marked as Exhibit 81 and ask you to identify this 23 document for the Court. 24 A. It is Plaintiff's Reply to the Amended Amended 25 Response to the Defendant's Motion to Show Authority</p>	103	<p>1 why that's in there? 2 MR. BITGOOD: Objection, form. 3 A. The -- as to why anything is in this, I'm going 4 to assert attorney/client and work product privilege and 5 the document speaks for itself. 6 Q. (BY MR. FISHER) Okay. This is a public 7 record. You realize that? 8 A. Yes, it is. 9 MR. FISHER: Is that calling a caregiver? 10 MR. BITGOOD: No, I'm going to mute. 11 MR. FISHER: Thank you. 12 Q. (BY MR. FISHER) All right. So it says on here 13 Michael Easton says or Michael Bitgood a/k/a Michael 14 Easton says he's competent and he's the president of 15 Lewis m Bisgaard & Smith, LLP. Do you see that in the 16 declaration? 17 A. I see that. 18 Q. Okay. There's no distinction there between 19 whether it's Lewis, Brisbois, Bisgaard & Smith, LLP, a 20 Texas entity or a California entity, correct? No 21 distinction is my question. 22 A. That's correct. 23 Q. All right. And it's attached certain documents 24 to this pleading, right? 25 A. Yes.</p>	105

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>106</p> <p>1 Q. All right. And the first one is an application</p> <p>2 for registration of a foreign limited liability</p> <p>3 partnership. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And that's an application for registration of</p> <p>6 my law firm, fair enough?</p> <p>7 A. Fair enough.</p> <p>8 Q. All right. And that was back in 2015?</p> <p>9 A. Yep, it was.</p> <p>10 Q. Any idea why that's included in this pleading</p> <p>11 here?</p> <p>12 MR. BITGOOD: Objection, work product</p> <p>13 privilege. It's ongoing litigation. We don't have to</p> <p>14 tell you what we're thinking.</p> <p>15 MR. FISHER: Actually, it's a deposition</p> <p>16 and that's kind of the reason for a deposition.</p> <p>17 MR. BITGOOD: I understand, Mr. Fisher, but</p> <p>18 I'm making my objection. I'm a party to that lawsuit.</p> <p>19 It's still ongoing and that's my objection. She doesn't</p> <p>20 have to tell you what we're thinking.</p> <p>21 A. And I'm also making my objection under</p> <p>22 attorney/client privilege and work product privilege.</p> <p>23 Q. (BY MR. FISHER) So you're not going to answer</p> <p>24 this question?</p> <p>25 A. No, sir.</p>	<p>108</p> <p>1 Q. (BY MR. FISHER) Next is Form 307, application</p> <p>2 for registration of a foreign limited liability</p> <p>3 partnership dated March 9th, 2021. Do you see that?</p> <p>4 A. I see that.</p> <p>5 Q. Okay. And that's the application for my law</p> <p>6 firm to do business in the state of Texas, correct?</p> <p>7 A. An original application, yes, sir.</p> <p>8 Q. Okay. And once again, do you know why this was</p> <p>9 included in the pleading?</p> <p>10 A. And I renew the same --</p> <p>11 MR. BITGOOD: I object under the work</p> <p>12 product privilege doctrine.</p> <p>13 A. Same objection as I made before, work product</p> <p>14 privilege.</p> <p>15 Q. (BY MR. FISHER) Okay. The next document is</p> <p>16 January 21st, 2022. And again, it's notification</p> <p>17 registration will expire. Do you see that?</p> <p>18 A. Yes, sir.</p> <p>19 Q. Okay. Now let's go to the next exhibit, which</p> <p>20 is Number 7. It's an assumed name --</p> <p>21 A. Well, actually, the next exhibit is -- let's</p> <p>22 see.</p> <p>23 Q. Yeah, I guess you're right. These are just</p> <p>24 kind of listings at the Secretary of State's office?</p> <p>25 A. Yes, sir.</p>
<p>107</p> <p>1 Q. Let's go to the next document, which is from</p> <p>2 the Secretary of State, and it's dated September 28th,</p> <p>3 2020. Do you see that?</p> <p>4 A. No. The next one I see is dated October 23rd,</p> <p>5 2015.</p> <p>6 Q. That's one we were just talking about and</p> <p>7 that's Exhibit 1.</p> <p>8 A. IEBS, foreign application, 10/23/2015. That's</p> <p>9 Document 1 filed October 23rd, 2015.</p> <p>10 Q. Right. We already talked about that. That's</p> <p>11 why I asked you why this is here and you wouldn't answer</p> <p>12 that. So now let's go to the next one. It's</p> <p>13 September 28th, 2020, from the Secretary of State.</p> <p>14 A. Yes, sir.</p> <p>15 Q. Okay. And this is some sort of a notification</p> <p>16 that the term of -- the term of authorization</p> <p>17 registration will expire, correct?</p> <p>18 A. The document speaks for itself, but I will</p> <p>19 confirm that that's what it appears to be.</p> <p>20 Q. Okay. And again, why is this included in this</p> <p>21 pleading?</p> <p>22 A. Attorney/client privilege.</p> <p>23 MR. BITGOOD: Objection, work --</p> <p>24 A. Work product privilege.</p> <p>25 MR. BITGOOD: Join in the same objection.</p>	<p>109</p> <p>1 Q. Okay.</p> <p>2 A. And it shows, Exhibit 6, both of your filings</p> <p>3 have expired.</p> <p>4 Q. Both filings. What's --</p> <p>5 A. Well, there are two different filing numbers.</p> <p>6 One, as I recall, from the Dallas office and one from</p> <p>7 the Houston office.</p> <p>8 Q. Two different offices. Okay.</p> <p>9 A. So the next exhibit -- the next is 7.</p> <p>10 Q. The next is 7. And this is an assumed name</p> <p>11 certificate that was filed by Michael Joseph Bitgood.</p> <p>12 Do you see that?</p> <p>13 A. I see that.</p> <p>14 Q. Okay. And that's under which business, and it</p> <p>15 just says Lewis, Brisbois, Bisgaard & Smith. Do you see</p> <p>16 that?</p> <p>17 A. Yes, I see that.</p> <p>18 Q. No distinction there between what -- whether</p> <p>19 it's a foreign partnership or a -- or a domestic</p> <p>20 partnership, correct?</p> <p>21 MR. DUNWOODY: Object to form.</p> <p>22 A. The document speaks for itself. There is no</p> <p>23 designation for any entity such as an LLP.</p> <p>24 Q. (BY MR. FISHER) Okay. The second page, it</p> <p>25 says "Returned at counter to Susan Norman." Do you see</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 that?</p> <p>2 A. I do.</p> <p>3 Q. Okay. Did you file this or did Mr. Bitgood</p> <p>4 file this or did somebody else file this?</p> <p>5 A. I physically -- it shows that it was returned</p> <p>6 to me at the counter, so that means that I was at the</p> <p>7 counter.</p> <p>8 Q. So you filed it?</p> <p>9 A. Yes, sir.</p> <p>10 MR. DUNWOODY: Object to form.</p> <p>11 Q. (BY MR. FISHER) Then the next document, the</p> <p>12 form is Form 701, which is registration of a limited</p> <p>13 liability partnership, correct?</p> <p>14 A. Yes, and I believe that's already here as one</p> <p>15 of the exhibits.</p> <p>16 Q. I think it is, but once again, number two, it</p> <p>17 says the partnership is a general partnership, correct?</p> <p>18 A. That's what it says.</p> <p>19 Q. All right. By the way, did -- did your</p> <p>20 partnership known as Lewis, Brisbois, Bisgaard & Smith</p> <p>21 file a tax return for the year 2022?</p> <p>22 A. No.</p> <p>23 Q. Did you file an extension to file a tax return?</p> <p>24 A. There was no business conducted, so no.</p> <p>25 Q. Okay. Well, I didn't ask you why. I'm just</p>	<p>110</p> <p>1 Q. And it reflects the year purporting to</p> <p>2 represent Richard P. Jones and Lewis, Brisbois, Bisgaard</p> <p>3 & Smith, LLP, also designated as a Texas domestic</p> <p>4 partnership, correct?</p> <p>5 A. Yes, sir.</p> <p>6 Q. All right. Were any of these times when you</p> <p>7 either filed a pleading with the letterhead Lewis,</p> <p>8 Brisbois, Bisgaard & Smith or when you signed a document</p> <p>9 purporting to represent Lewis, Brisbois, Bisgaard &</p> <p>10 Smith, LLP at all times, I think, representing the</p> <p>11 partnership between you and Mr. Bitgood, were any of</p> <p>12 those accidental or did you do those purposefully?</p> <p>13 A. Even if they were accidental, my signature</p> <p>14 block appears and I stand by my signature block for</p> <p>15 everything that was filed.</p> <p>16 Q. Okay.</p> <p>17 MR. FISHER: Pass the witness.</p> <p>18 EXAMINATION</p> <p>19 BY MR. DUNWOODY:</p> <p>20 Q. Ms. Norman, you said that you met Mr. Beers</p> <p>21 about 12 or 13 years ago; is that right?</p> <p>22 A. Around there, 15 years ago. I don't remember.</p> <p>23 Something like that.</p> <p>24 Q. Okay. And at some point before this lawsuit</p> <p>25 with Imperial Lofts and the formation of the Texas</p>
<p>111</p> <p>1 asking --</p> <p>2 A. Well, I'm just telling you no.</p> <p>3 Q. Okay. And you're going to tell me why you</p> <p>4 included these documents in this pleading?</p> <p>5 A. Under the attorney/client, work product</p> <p>6 privilege, no, sir. The documents speak for themselves.</p> <p>7 MR. BITGOOD: Same objection here.</p> <p>8 Q. (BY MR. FISHER) All right. And then the -- I</p> <p>9 don't know if this is a separate pleading or this was an</p> <p>10 attachment to the pleading that we were just talking</p> <p>11 about, so let me take a look. I think it was a separate</p> <p>12 pleading, this renewal of a request on file in the case</p> <p>13 now renewed and applicable to the associated associate</p> <p>14 judges. Do you see that?</p> <p>15 A. I see that.</p> <p>16 Q. All right. Do you know if that was a separate</p> <p>17 pleading or whether it was an attachment to -- I think</p> <p>18 there's a list of exhibits, actually, so let me look. I</p> <p>19 think it's a separate pleading.</p> <p>20 A. It has to be a separate pleading because of the</p> <p>21 filing date.</p> <p>22 Q. Yeah. All right. While we're looking at that,</p> <p>23 though, that pleading also reflects your signature block</p> <p>24 on Page 4?</p> <p>25 A. Yes, sir.</p>	<p>113</p> <p>1 entity with the Lewis Brisbois name, did Mr. Beers ever</p> <p>2 serve as your attorney?</p> <p>3 A. Yes.</p> <p>4 Q. And can you briefly describe what those</p> <p>5 circumstances were?</p> <p>6 A. He represented me before the State Bar of</p> <p>7 Texas.</p> <p>8 Q. And was that the only occasion where he was</p> <p>9 your attorney or were there others?</p> <p>10 A. There were at least -- there were two cases</p> <p>11 that I recall.</p> <p>12 Q. And the Texas entity, Lewis Brisbois, you</p> <p>13 understand that one of the issues in the case is whether</p> <p>14 or not the Lewis Brisbois name was ever used for</p> <p>15 commercial purposes. Do you understand that?</p> <p>16 A. Yes.</p> <p>17 Q. Was there ever, to your knowledge, any use of</p> <p>18 the Lewis Brisbois name for commercial purposes?</p> <p>19 A. No, other than -- a lawsuit's not a commercial</p> <p>20 purpose.</p> <p>21 Q. Well, let me ask you a different way. Did you</p> <p>22 ever make any money with this Lewis Brisbois Texas</p> <p>23 entity?</p> <p>24 A. No.</p> <p>25 Q. Did you ever have any prospects for making</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>114</p> <p>1 money with the Lewis Brisbois Texas entity?</p> <p>2 A. No.</p> <p>3 MR. FISHER: Objection, form.</p> <p>4 Q. (BY MR. DUNWOODY) Did you ever make any</p> <p>5 capital contributions to the Texas entity Lewis</p> <p>6 Brisbois?</p> <p>7 A. No. No.</p> <p>8 Q. To your knowledge, did the Texas entity Lewis</p> <p>9 Brisbois ever own any physical assets?</p> <p>10 A. No.</p> <p>11 Q. Did it have any bank accounts?</p> <p>12 A. No.</p> <p>13 Q. Did it ever have any revenues of any kind?</p> <p>14 A. No.</p> <p>15 Q. Did it ever have any kind of advertising that</p> <p>16 was done?</p> <p>17 A. No.</p> <p>18 Q. I saw at one point a business card with the</p> <p>19 name of that Texas Lewis Brisbois on it.</p> <p>20 A. The parody business card?</p> <p>21 Q. Well, I think the answer to that is yes, but I</p> <p>22 was going to ask you can you please describe the</p> <p>23 circumstances surrounding the creation of that business</p> <p>24 card?</p> <p>25 A. I absolutely cannot. I have no knowledge of</p>	<p>116</p> <p>1 provide any mediation services?</p> <p>2 A. No.</p> <p>3 Q. Did it ever provide any arbitration services?</p> <p>4 A. No.</p> <p>5 Q. Did it ever provide any kind of legal services</p> <p>6 of any kind?</p> <p>7 A. No.</p> <p>8 Q. Did it ever provide any kind of services to</p> <p>9 anyone?</p> <p>10 A. No.</p> <p>11 Q. Did it ever have any clients?</p> <p>12 A. No.</p> <p>13 Q. And that Texas entity has now been dissolved;</p> <p>14 is that right?</p> <p>15 A. Yes.</p> <p>16 Q. One of the questions that -- or several of the</p> <p>17 questions, I guess, that you got earlier were asking</p> <p>18 you, you know, whether or not you might be inclined to</p> <p>19 use the name "Lewis Brisbois" at some point in the</p> <p>20 future. My question to you is: Are there any</p> <p>21 circumstances where you would ever use that Lewis</p> <p>22 Brisbois name at any point in the future?</p> <p>23 A. No.</p> <p>24 Q. Have you enjoyed being a party in this lawsuit?</p> <p>25 A. No.</p>
<p>115</p> <p>1 the circumstances of the creation of that business card.</p> <p>2 Q. You referred to it as a parody. Why did you</p> <p>3 say that?</p> <p>4 A. No sane business person would put that business</p> <p>5 card together and expect that it be used for a</p> <p>6 commercial purpose.</p> <p>7 Q. What is it about the business card that made</p> <p>8 you say that -- made you say that?</p> <p>9 A. Well, I don't recall everything about it, but</p> <p>10 as far as I recall, there was a picture of the -- I</p> <p>11 forget what the name of -- a cannon on the back and</p> <p>12 lettering on the back, which was -- as best I could</p> <p>13 describe, it was sarcasm and a parody.</p> <p>14 Q. Well, I believe I've seen something about the</p> <p>15 statement "come and take it." Is that what you're</p> <p>16 talking about?</p> <p>17 A. That's part of it, but I don't recall</p> <p>18 everything on the back, but I have actually took it as</p> <p>19 an absolute joke, not commercially viable business card.</p> <p>20 Q. Did the Texas entity ever -- Texas Lewis</p> <p>21 Brisbois entity ever have any employees?</p> <p>22 A. No.</p> <p>23 Q. And you said it has not filed any tax returns?</p> <p>24 A. Has not.</p> <p>25 Q. Did that Texas Lewis Brisbois entity ever</p>	<p>117</p> <p>1 Q. Why not?</p> <p>2 A. It's a frivolous lawsuit designed to undo a</p> <p>3 state court case which the plaintiff in this federal</p> <p>4 case lost in state court by not taking appropriate</p> <p>5 action by just doing nothing.</p> <p>6 It has not -- it's been a great distraction</p> <p>7 from my personal life. I take care of a disabled</p> <p>8 elderly person 24 hours a day. It has impacted my</p> <p>9 private law practice with an all-day deposition like</p> <p>10 this, which is not related so far as I can see to the</p> <p>11 federal case.</p> <p>12 There's no -- there's no point. I see no</p> <p>13 point. It's a frivolous lawsuit. It appears to be</p> <p>14 designed to harass and undo a state court case, so no,</p> <p>15 I've not enjoyed it.</p> <p>16 Q. Has it been a pleasant experience for you being</p> <p>17 a party in this lawsuit?</p> <p>18 A. No, it has not.</p> <p>19 Q. And you'd say it's been a distraction from your</p> <p>20 law practice?</p> <p>21 A. It's been a complete distraction.</p> <p>22 Q. It's taken time away from your law practice?</p> <p>23 A. It's taken time away from my personal life as</p> <p>24 well as from my law practice.</p> <p>25 Q. Did you expect to get sued for forming this</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 Texas Lewis Brisbois entity?</p> <p>2 A. No.</p> <p>3 Q. In retrospect, do you wish that you could have</p> <p>4 avoided the headache by having not formed the entity in</p> <p>5 the first place?</p> <p>6 A. I would like to have avoided this headache.</p> <p>7 Okay? I would have expected the resolution of this</p> <p>8 complaint to have been resolved in state court where it</p> <p>9 absolutely could have been, but was not.</p> <p>10 Q. Is there any chance that a situation like this</p> <p>11 would arise again in the future with you?</p> <p>12 A. No.</p> <p>13 MR. DUNWOODY: Pass the witness.</p> <p>14 MR. FISHER: Mr. Bitgood, do you have any</p> <p>15 questions?</p> <p>16 MR. BITGOOD: Ms. Norman, I have a few</p> <p>17 questions for you.</p> <p>18 EXAMINATION</p> <p>19 BY MR. BITGOOD:</p> <p>20 Q. You've been shown a litany of pleadings of</p> <p>21 exhibits that are all state court pleadings. Can you</p> <p>22 recall at any time when anyone from Lewis Brisbois made</p> <p>23 any objections to the state court as to the use of our</p> <p>24 name Lewis Brisbois?</p> <p>25 MR. FISHER: Objection, form.</p>	<p>118</p> <p>1 concurrent jurisdiction?</p> <p>2 A. I believe I do.</p> <p>3 Q. Okay. You've read the supreme court cases</p> <p>4 dealing with concurrent jurisdiction?</p> <p>5 A. Yes.</p> <p>6 Q. You also understand the Palmer Doctrine?</p> <p>7 A. Yes.</p> <p>8 Q. The Rooker-Feldman doctrine?</p> <p>9 A. Yes.</p> <p>10 Q. And you were present when Judge Ellison made</p> <p>11 the following statement, that this case has outlived its</p> <p>12 usefulness?</p> <p>13 A. Yes, sir, I was.</p> <p>14 Q. Okay. And one last thing because there seems</p> <p>15 to be a harp on general partnership as opposed to</p> <p>16 limited. Have you ever in your life made a</p> <p>17 typographical error on a document?</p> <p>18 MR. FISHER: Objection, form.</p> <p>19 A. Yes.</p> <p>20 Q. (BY MR. BITGOOD) Okay. Is it possible that</p> <p>21 although the top of the document says limited</p> <p>22 partnership, whoever prepared it might have put general</p> <p>23 partnership?</p> <p>24 A. Yes.</p> <p>25 Q. Thank you. And again, all of this was</p>
<p>119</p> <p>1 A. No.</p> <p>2 Q. (BY MR. BITGOOD) Can you recall at any time</p> <p>3 when Lewis Brisbois objected at any time to the use of</p> <p>4 the name Lewis Brisbois, a domestic partnership?</p> <p>5 MR. FISHER: Objection, form.</p> <p>6 A. No.</p> <p>7 Q. (BY MR. BITGOOD) Do you remember Judge White</p> <p>8 admonishing Mr. Oubre on August the 31st as to the</p> <p>9 severity of the a Rule 12 motion?</p> <p>10 MR. FISHER: Objection, form.</p> <p>11 Q. (BY MR. BITGOOD) In fact, the judge told him,</p> <p>12 I'm not being facetious. Do you know what you're doing?</p> <p>13 MR. FISHER: Objection, form.</p> <p>14 A. I recall that.</p> <p>15 Q. (BY MR. BITGOOD) And that would be in Bitgood</p> <p>16 Exhibits 1 through 15 that have already been admitted</p> <p>17 into evidence in this case; is that correct?</p> <p>18 A. Admitted into evidence in the federal case,</p> <p>19 yes.</p> <p>20 Q. Yes. Okay. All of these pleadings, all of</p> <p>21 these matters that Mr. Fisher gave have either been</p> <p>22 litigated or are pending in a state court; is that</p> <p>23 correct?</p> <p>24 A. Yes, sir.</p> <p>25 Q. As an attorney, ma'am, do you understand</p>	<p>121</p> <p>1 litigated in a state court in Fort Bend County, Texas,</p> <p>2 correct?</p> <p>3 A. County Court At Law Number 3, yes.</p> <p>4 Q. And they had a chance to object to anything</p> <p>5 that was going on. Did they object?</p> <p>6 A. They being the California LLP?</p> <p>7 Q. Correct.</p> <p>8 A. Yes.</p> <p>9 Q. And do you recall when they tried to mount an</p> <p>10 appeal in front of Judge Juli Mathew to Judge White's</p> <p>11 ruling?</p> <p>12 A. I recall.</p> <p>13 Q. Do you remember what Judge Mathew asked Mr.</p> <p>14 Braun, where is your objection to the lower court after</p> <p>15 taking up two days of my associate judge's time?</p> <p>16 MR. FISHER: Objection, form.</p> <p>17 A. I recall.</p> <p>18 MR. BITGOOD: That's all I have. Pass the</p> <p>19 witness.</p> <p>20 MR. FISHER: I have a few more followup</p> <p>21 questions.</p> <p>22 EXAMINATION</p> <p>23 BY MR. FISHER:</p> <p>24 Q. First of all, with respect to general</p> <p>25 partnership and limited partnership, I think you've</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 already testified that you really don't know the 2 distinction between the two?</p> <p>3 A. It has been 30 years since I did anything with 4 forming any entity, so no.</p> <p>5 Q. Okay. So if I ask you the question who -- who 6 were the general partners and who were the limited 7 partners of your partnership with Mr. Bitgood, you 8 really can't answer that?</p> <p>9 A. No.</p> <p>10 Q. Was there a partnership agreement between the 11 two of you, written partnership agreement?</p> <p>12 A. No.</p> <p>13 Q. Okay. You said Mr. Beers represented you 14 before a State Bar of Texas proceeding?</p> <p>15 A. Yes.</p> <p>16 Q. When was that?</p> <p>17 A. Oh, my gosh. I don't recall. 2009 maybe, 18 2000 -- I don't recall. It was a case the state bar 19 dismissed, two cases they dismissed.</p> <p>20 Q. And what were those cases about?</p> <p>21 MR. BITGOOD: Objection, form. Objection, 22 form.</p> <p>23 A. A grievance was filed against me, one of them 24 relating to whether or not I had given my clients money 25 to an improperly appointed guardian.</p>	<p>122</p> <p>1 A. Use of a name without an appropriate filing 2 give rise to criminal charges.</p> <p>3 Q. All right. You don't need to use an entity to 4 use a name. You could just simply use some names?</p> <p>5 A. Of course you do unless you want to go -- 6 unless you want to commit a crime.</p> <p>7 Q. You can use an assumed name certificate, could 8 you not?</p> <p>9 A. That is -- that is forming an entity under -- 10 for use in a county.</p> <p>11 Q. Respectfully, ma'am, it's not.</p> <p>12 A. Well, that's my opinion.</p> <p>13 MR. BITGOOD: Objection, argument -- 14 objection, argumentative.</p> <p>15 Q. (BY MR. FISHER) Now you're saying that the 16 actions by my law firm in bringing this lawsuit are 17 frivolous?</p> <p>18 A. Yes.</p> <p>19 Q. That's your opinion, but what was the purpose? 20 We never really heard a stated purpose for you and 21 Mr. Bitgood forming a partnership known as Lewis, 22 Brisbois, Bisgaard & Smith, so what would that purpose 23 be if not frivolous?</p> <p>24 A. The purpose, if you look at the letterhead, 25 mediations and arbitrations. And it goes back to</p>
<p>123</p> <p>1 Q. (BY MR. FISHER) And the other one?</p> <p>2 A. An attorney filed a grievance against me for 3 representing him when it was shown that he had lied to 4 the state bar in the grievance -- the lawsuit. The 5 grievance was dismissed.</p> <p>6 Q. Okay. I heard all the questions by 7 Mr. Dunwoody relating to whether your partnership with 8 Mr. Bitgood had a bank account, conducted business, had 9 any clients, conducted any mediations or arbitrations.</p> <p>10 But your partnership did maintain a lawsuit 11 and is now a defendant, obviously, but it did maintain a 12 lawsuit against -- as a plaintiff against my law firm, 13 did it not?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. You said you wouldn't use the name in 16 the future. That was your statement?</p> <p>17 A. I'm not in the business of committing a crime 18 in the future, so yes, that is my statement.</p> <p>19 Q. What would the crime be?</p> <p>20 A. The crime would be using that name without 21 filing as an entity of some sort with either the 22 Secretary of State or the county.</p> <p>23 Q. Okay. I think you said earlier you think that 24 that's -- that those facts alone give rise to a 25 misdemeanor. That was your testimony?</p>	<p>124</p> <p>1 something you said earlier talking about legal services.</p> <p>2 An attorney can provide legal services 3 including mediation and arbitration, but an arbitrator 4 and a mediator does not have to be an attorney. So for 5 the standpoint of legal services, this LLP was not 6 formed for providing legal services.</p> <p>7 It was to provide mediation and arbitration 8 services to persons situated such as Mr. Jones and other 9 tenants in Fort Bend County who were being wrongfully 10 evicted by the Imperial Lofts Group, Imperial Lofts, 11 Imperial Lofts, LLC, services because generally people 12 who live in apartments and tend to get -- and who are 13 getting evicted can't afford legal services, can't 14 afford to have somebody represent them at the JP level.</p> <p>15 Q. So this entity was formed, then, to represent 16 those folks and to see that justice was carried out?</p> <p>17 A. And to see that justice was carried out. Thank 18 you. I appreciate that phrase.</p> <p>19 MR. FISHER: Pass the witness.</p> <p>20 MR. DUNWOODY: Nothing further.</p> <p>21 MR. FISHER: Mr. Bitgood?</p> <p>22 EXAMINATION</p> <p>23 BY MR. BITGOOD:</p> <p>24 Q. Ms. Norman, you were aware during the COVID 25 crisis that the Texas Supreme Court urged all lawyers</p>

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE


Videotaped Deposition of Vol 2 Susan C. Norman

<p>1 and anybody who could represent people in JP court to do 2 so and come forward; is that true? 3 A. That is true. 4 Q. And you formed this entity with me to represent 5 those people in JP court at no charge; is that correct? 6 A. That is correct. 7 MR. BITGOOD: Pass the witness. 8 MR. FISHER: Objection, form on that last 9 question. 10 MR. BITGOOD: You're supposed to make the 11 objection before she answers, but we're going to let you 12 make it there. 13 MR. FISHER: Thank you. 14 THE WITNESS: Am I free to go? 15 THE VIDEOGRAPHER: Anybody else? 16 MR. FISHER: You're free to leave. 17 THE VIDEOGRAPHER: We are going off the 18 record. The time is -- 19 MR. BITGOOD: In the words of the honorable 20 O'Neill Williams, go and sin no more. 21 THE VIDEOGRAPHER: We are going off the 22 record. The time is 2:52. 23 (Deposition concluded at 2:52 p.m.) 24 25</p>	<p>1 I, SUSAN C. NORMAN, have read the foregoing 2 deposition and hereby affix my signature that same is 3 true and correct, except as noted above. 4 5 6 SUSAN C. NORMAN 7 8 9 THE STATE OF _____ 10 COUNTY OF _____ 11 12 Before me, _____, on 13 this day personally appeared SUSAN C. NORMAN, known to 14 me (or proved to me under oath or through 15 _____) (description of identity 16 card or other document)) to be the person whose name is 17 subscribed to the foregoing instrument and acknowledged 18 to me that they executed the same for the purposes and 19 consideration therein expressed. 20 Given under my hand and seal of office this 21 _____ day of _____, _____. 22 23 24 25</p> <p>NOTARY PUBLIC IN AND FOR THE STATE OF _____ COMMISSION EXPIRES: _____</p>
<p>1 CHANGES AND SIGNATURE 2 WITNESS NAME: SUSAN C. NORMAN DATE: AUGUST 16, 2023 3 PAGE LINE CHANGE REASON 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE SOUTHERN DISTRICT OF TEXAS 3 HOUSTON DIVISION 4 LEWIS, BRISBOIS, BISGAARD) 5 & SMITH, LLP,) 6) 7 PLAINTIFF,) CIVIL ACTION NO: 8) 4:22-CV-3279 9 VS.) 10) 11 MICHAEL JOSEPH BITGOOD) 12 a/k/a "MICHAEL EASTON," ET) 13 AL,) 14) 15 DEFENDANTS.) 16 17 18 19 20 21 22 23 24 25</p> <p>REPORTER'S CERTIFICATION DEPOSITION OF SUSAN C. NORMAN AUGUST 16, 2023</p> <p>I, Allison Garrett, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following: That the witness, SUSAN C. NORMAN, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness; I further certify that pursuant to FRCP Rule 30(e)(1) that the signature of the deponent: XXX was requested by the deponent or a party before the completion of the deposition and is to be returned within 30 days from the date of receipt of the transcript. If returned, the attached Changes and</p>

Infinity Reporting Group, LLC
Phone: 832-930-4484 Fax: 832-930-4485

MSJ EXHIBIT 10 - DEFENDANTS' RESPONSE

Videotaped Deposition of Vol 2 Susan C. Norman

<p>130</p> <p>1 Signature Page contains any changes and the reasons 2 therefor; 3 ___ was not requested by the deponent or a party 4 before the completion of the deposition. 5 I further certify that I am neither counsel for, 6 related to, nor employed by any of the parties or 7 attorneys in the action in which this proceeding was 8 taken. Further, I am not a relative or employee of any 9 attorney of record in this cause, nor am I financially 10 or otherwise interested in the outcome of the action. 11 Certified to by me this 31st day of August, 2023. 12 13  14 15 Allison Garrett, Texas CSR 8329 16 Expiration Date: 4/30/2025 17 Infinity Reporting Group 18 11200 Richmond Avenue 19 Suite 410 20 Houston, Texas 77082 21 (832) 930-4484 22 23 24 25</p>	

Infinity Reporting Group, LLC
Phone: 832-930-4484 Fax: 832-930-4485